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ROYAL COMMISSION

ON

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PILOTAGE

HEARINGS

HELD AT

TORONTO ONTARIO

VOLUME No.:

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DATE:

April 14, 1964

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ANGUS, STONEHOUSE & CO. LTD.

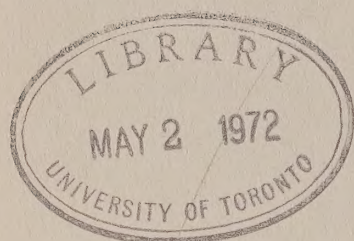
BOARD OF TRADE BLDG.

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ROYAL COMMISSION ON MARINE PILOTAGE

Proceedings of the hearing held
in the Toronto Board of Education
Building, 263 McCaul Street,
Toronto, Ontario, on Tuesday, the
14th day of April, 1964.

COMMISSION:

The Honourable Mr. Justice Bernier	Chairman
Robert K. Smith, Esq., Q.C.	Member
Harold A. Renwick, Esq.	Member
Mr. Gilbert Nadeau	Secretary

COMMISSION COUNSEL:

Mr. Maurice Jacques

PRESENT:

Mr. J. Brisset, Q.C.	for the Shipping Federation of Canada
Mr. Leopold Langlois, Q.C.	for the Canadian Merchant Service Guild
Mr. J. Mahoney	for the Dominion Marine Association
Mr. Marc Lalonde	for the Federation of St. Lawrence River Pilots; Corporation of the Lower St. Lawrence Pilots; the Corporation of the Montreal Harbour Pilots; the Corporation of the St. Lawrence River and Seaway Pilots; the Corporation of the Upper St. Lawrence Pilots, the Corporation of the Mid-St. Lawrence Pilots



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TORONTO, ONTARIO

263 McCaul Street,
Toronto, Ontario,
April 14, 1964.

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MR. MAHONEY: My Lord, I wanted to see

if we could clarify, and perhaps it should be done for the record, the question of the information that my friend Mr. Lalonde wanted on trips yesterday. I have talked to Captain Tischart this morning, and there was some confusion in his mind as to the extent of the information required of his Company.

My understanding of the request made of Captain Tischart was that it simply is a list of ships in which the vessels spent some time in the St. Lawrence River, whereas with Q. & O. it was a list of all trips.

MR. LALONDE: Yes, but there was further discussion on this point, and finally I think everybody agreed it should be the total trips of the fleet even including the trips on the Lakes. I think this was the final agreement.

MR. JACQUES: This is what I have noted: the number of trips each vessel has gone on the Great Lakes and Gulf during the 1962 and the 1963 season, indicating the destination in each instance, with the date of the trips.

MR. MAHONEY: This information can be obtained, but before getting the information together I wanted to make sure that we understood exactly what it was. I should like to call Captain Milne.

CAPTAIN JAMES ANDREW MILNE, sworn

THE CHAIRMAN: Would you give your full



1 name?

2 THE WITNESS: James Andrew Milne.

3 THE CHAIRMAN: Your age?

4 THE WITNESS: 53.

5 THE CHAIRMAN: Occupation?

6 THE WITNESS: I am operating agent of
7 Carryore Limited.

8 THE CHAIRMAN: And your address, please?

9 THE WITNESS: Home address?

10 THE CHAIRMAN: Please.

11 THE WITNESS: 4578 Mayfair Avenue,
12 Montreal.

13
14 DIRECT EXAMINATION BY MR. MAHONEY:

15 Q Captain Milne, the Company by which
16 you are employed is Carryore Limited?

17 A That is correct.

18 Q Carryore Limited is a Canadian
19 Company?

20 A That is correct.

21 Q Are you in charge of the operations
22 of that Company?

23 A Of all the general operations, yes,
24 sir.

25 Q Is Carryore Limited a member of the
26 Dominion Marine Association?

27 A Yes.

28 Q Do you serve on any of the committees
29 of Dominion Marine Association?

30 A Well, I have been interested in some



1 of the pilotage matters.

2 Q You serve on the Pilotage Committee?

3 A Yes.

4 Q What about the Shore Captains
5 Committee?

6 A No, I don't serve on that.

7 Q How many ships does the Carryore
8 operate?

9 A Carryore operate three ships, two of
10 which are in the name of Carryore Limited. There is
11 one ship we have known as the LAKE WINNIPEG, which is
12 owned by Nipigon Transport Limited, which is an affili-
13 ate or associate Company.

14 Q That ship is actually operated by
15 Carryore?

16 A Yes, that is right.

17 Q Would you tell the Commission,
18 Captain Milne, the size of those ships?

19 A The LAKE WINNIPEG is 730 feet by
20 75 feet in beam. The CAROL LAKE and the MENIHEK LAKE
21 are identical at 715 feet by 75 foot beam.

22 Q Is it fair to say that these are
23 approximately the maximum size ships that could be
24 operated?

25 A Well, the LAKE WINNIPEG is maximum
26 size. The others are 15 feet shorter.

27 Q Captain Milne, how old a Company is
28 Carryore Limited?

29 A Carryore was incorporated in 1957,
30 and we started to build our first ship in 1958, and the



1 first ship went into commission in 1959.

2 Q Which ship was that?

3 A That is the MENIHEK LAKE.

4 Q Now, before your employment by
5 Carryore Limited were you employed by any other steam-
6 ship Company on the Great Lakes?

7 A Yes, sir.

8 Q What Company?

9 A Keystone Transport.

10 Q How long were you employed by that
11 Company, Captain Milne?

12 A You mean from the time I started to
13 sail?

14 Q Well, yes, the total.

15 A Twenty-nine years.

16 Q Part of that time were you employed
17 in an executive capacity with the Company?

18 A Yes.

19 Q For how many years?

20 A Well, in the Spring of 1938 I became
21 the Assistant Superintendent, and two years later I was
22 made Superintendent. In 1944 I became the Operating
23 Manager, and I stayed there until 1957.

24 Q When you went with Carryore?

25 A Pardon me, the end of August, 1958
26 when I went with Carryore.

27 Q Now, the three ships which you now
28 operate for Carryore, Captain Milne, are they typical
29 lake vessels?

30 A Yes, sir.



1 Q Or are they --

2 A They are typical Upper Lakes style
3 vessels.

4 Q The certification of those ships, is
5 it for inland waters only?

6 A Yes, that is right, Class 1 inland.

7 Q Would you tell the Commission the
8 sort of navigation equipment which those ships carry?

9 A Well, the ships are equipped with the
10 latest of electronic gear. They have gyro compasses;
11 two radars, FM and AM radio and telephone, direction
12 finders, echo sounders, automatic steering devices.
13 Meteorological instruments of course for recording --

14 Q Are they weather recording ships?

15 A Yes.

16 Q All three of them?

17 A Yes.

18 Q How many mates do you carry on these
19 ships, Captain Milne?

20 A Three. First, second and third mate.

21 Q Plus the Captain?

22 A Plus the Captain.

23 Q Can you tell the Commission what
24 certification your Masters and mates have?

25 A Yes. The Masters vary a little bit.
26 One of the Masters, coasting; one of the Masters, home
27 trade licence, and the other one has Masters Inland.
28 The Mates all have Masters Inland. That is, all of the
29 First Mates have Masters Inland.

30 Q Would you tell the Commission, Captain



1 Milne, the typical cargoes that these ships carry?

2 A Ore primarily and grain. Sometimes
3 we have cargoes of coal, and of course pellets and ore
4 concentrate, but primarily they were built to carry ore.

5 Q In what trade do they carry those
6 cargoes?

7 A We move ore from Seven Islands to
8 Great Lakes ports such as Buffalo or Lackawana,
9 Asthabula, Cleveland, Detroit. Sometimes into Garry,
10 Indiana.

11 Q What about the grain?

12 A Grain, we carry grain of course from
13 Duluth, Fort William, Port Arthur, sometimes over to
14 Toledo, and down to Montreal or Baie Comeau. Principal-
15 ly it is into Baie Comeau.

16 Q What would you say the proportions
17 of your trade are as between coasting trade, Canadian
18 coasting trade and International trade?

19 A You are talking of the Canadian
20 coast?

21 Q Yes.

22 A Well, this year if we are fortunate
23 enough it will be 50-50, but normally it is about 60-
24 40.

25 Q 60-40 in favour of International?

26 A Yes. That is an approximation. It
27 might be a little bit more, but normally it is about
28 that.

29 Q And has been that roughly since you
30 incorporated?



1 A That is right.

2 Q Your ships do not engage in the
3 American coasting trade?

4 A No. It is not permissible with us.

5 Q The ships of your Company being maxi-
6 mum size or close to maximum size ships for the Seaway,
7 and for pilotage purposes, do they carry pilots?

8 A In the areas where it is obligatory.

9 Q That is below Montreal?

10 A That is correct.

11 Q Now, above Montreal, in the Montreal-
12 Kingston area, have any of your ships ever carried pilots?

13 A No, sir.

14 Q In the areas below Montreal have there
15 ever been occasions when your ships did not carry pilots?

16 A Only when -- I refer to the area
17 between Escoumains and Quebec City when it has not been
18 possible to get a pilot aboard, then the ships go on
19 their own.

20 Q When you say it has not been possible
21 to get a pilot on board, do you mean that a signal has
22 been made for a pilot?

23 A Yes, and weather conditions were such
24 that it was not possible for the pilot tender to come
25 alongside.

26 Q Has that been the case on every oc-
27 casion, or has it ever been a case of a pilot just not
28 appearing without regard to the weather?

29 A No. The pilots have never been re-
30 fused as far as I can recall. It is a case of not being



1 able to get aboard the ship.

2 Q Always due to stress of weather?

3 A Yes.

4 Q Can you recall in the last few years
5 on how many occasions that has happened?

6 A Not accurately. It happened twice
7 last year. It happened the first year we were in
8 operation. It has happened I would think probably a
9 maximum of five or six times I would think over that
10 few years that we have been in operation.

11 Q In those cases what have your ships
12 done when the pilot boat has not been able to approach?

13 A Just carried on.

14 Q That is in the Quebec district?

15 A Escoumains to Quebec.

16 Q Have there been any similar in-
17 stances in the Montreal district?

18 A No.

19 THE CHAIRMAN: I understand it would
20 only be coming from Escoumains and unable to get on
21 board at Escoumains.

22 THE WITNESS: That is right.

23 THE CHAIRMAN: At Quebec I do not
24 suppose they have that difficulty.

25 THE WITNESS: No, they get them a-
26 board one way or another. If it is too rough for the
27 small boat, they will put them aboard with a tug or
28 something. They always get them there.

29 MR. MAHONEY: Q That is only at
30 Escoumains that this has occurred?



1 A That is right.

2 Q Have the Masters of your ships re-
3 ported any major pilotage difficulty on these trips?
4 That is, in piloting their own ships.

5 A I don't think I understand your
6 question.

7 Q Well, on the occasion when those
8 trips were made without pilots, have the Masters had
9 any difficulty in piloting their own ships?

10 A No. They are well acquainted in the
11 area.

12 Q The Masters which you have, Captain
13 Milne, have you known them for many years?

14 A Yes.

15 Q Have you known them before they
16 served on board Carryore ships?

17 A Well, the Master of the CAROL LAKE,
18 he was trained in the Keystone. He sailed a ship for
19 ten years, one of the smaller ships, and then when I
20 left and went with the other Company to set up the
21 other Company, why he had been out of Keystone for a
22 year. He was otherwise engaged, but he came back in
23 and he came back in as First Mate on one of the big
24 ships for one year; and then he sailed ever since that.

25 The Captain of the MENIHEK LAKE was trained
26 in Keystone, and he switched over and came to the new
27 Company, and he served time there as Second Mate and
28 First Mate, and they moved him up a year ago -- two
29 years ago. Two years ago this Spring.

30 The Captain of the LAKE WINNIPEG, he had



1 been sailing a ship for seven or eight years. He had
2 been trained in Keystone, and he went to another
3 Company, and sailed a ship for seven or eight years,
4 and he came into the new Company.

5 Q And the sort of ships that these
6 Masters sailed, what category ships were they?

7 A They were canal type ships. You mean
8 prior?

9 Q Yes.

10 A Canal type ships, that is right.

11 Q Can you say from your own experience
12 what trades these ships were engaged in? What geo-
13 graphical areas they spent their time in?

14 A Yes. The Keystone ships traded to
15 the coast -- traded on the lakes and down to the coast,
16 around Sydney or Newfoundland ports, through the North
17 Shore. They were wandering all around in the Baie
18 Chaleur.

19 Q Roughly what proportion of their
20 sailing time would you say was spent in the lower river?

21 A Well, there was a great deal of the
22 time spent down there. At one stage we used to -- we
23 loaded three ships a week out of Sydney, so I would
24 think that in those days they spent half of their time
25 running down in that area.

26 Q From that background are you able to
27 say of your own knowledge that the Masters of your
28 present ships have had considerable experience in the
29 lower --

30 A Yes.



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Q Have Masters of your ships, Captain Milne, ever been appointed to the Navigation Committee of the Dominion Marine Association?

A Yes. The first one appointed there was Captain Brown who has since died, and then he was replaced by Captain Dishaw of the CAROL LAKE.



1 Q In the short history of your Company
2 do you recall how many years Captains of your Company
3 have served on the Navigation Committee?

4 A Well, I believe that it is four.
5 I think Captain Brown served two years. He might have
6 been three, but I think it was two, and Captain Dishaw
7 two years.

8 Q Was Captain Brown Chairman of the
9 Navigation Committee?

10 A Yes.

11 Q Have you ever attended meetings of
12 the Navigation Committee yourself, Captain Milne?

13 A One year.

14 Q Was that recently?

15 A That is the first year that I was
16 in Carryore. For that reason I would say Captain Brown
17 served two years. I think I went the first year myself
18 and the other Captains served two years.

19 Q From the meeting which you attended
20 are you generally familiar with the work of the Navi-
21 gation Committee, from your membership?

22 A Yes. I get the reports out every
23 year and study them and read them through.

24 Q Captain Milne, if exemptions from
25 pilotage existed for your ships under the districts
26 below Montreal can you tell the Commission what your
27 Company policy would be with respect to your ships
28 taking pilots in those areas? First let us say in the
29 Montreal district -- that is, between Montreal and
30 Quebec City?



1 A Well, first of all I would have to
2 say that the policy has never been considered because
3 of the fact that the pilotage is obligatory in those
4 two districts, but insofar as if it were required that
5 a new policy had to be set, I would not hesitate in say-
6 ing that we would use pilots between Montreal and Quebec
7 but we would not use pilots between Quebec and Escoumains.

8 Q Why would you use them between
9 Montreal and Quebec?

10 A Because we do not carry often above
11 Montreal and it is only a matter of apportioning the
12 workload.

13 Q So would you be using the pilot be-
14 cause of his local knowledge or as a relief officer?

15 A Relief.

16 Q And you say in the Quebec district
17 you would not use pilots?

18 A No.

19 Q Does that mean you would never use
20 them, or you would occasionally use them or --

21 A Well, I cannot answer that question.
22 Normally we would not use them unless there was some-
23 thing extraordinary. I suppose that you might call for
24 them, but if it were not obligatory we would not use
25 them. Those would be the general terms -- the only way
26 I could answer it.

27 Q Dealing for a moment with the
28 Montreal/Kingston area, Captain Milne, I take it be-
29 cause your ships do not use pilots in that area you
30 consider your Masters are quite competent to pilot the



1 ship. What about your mates?

2 A They are capable of doing the same
3 thing.

4 Q Are you speaking of your first mate?

5 A I am talking about the first mate
6 and the second mate of our ships who are capable of
7 doing the upper stretches of the river across Coteau
8 Lake and Lachine Lake. Generally the work is split
9 between the first mate and the Captain though.

10 Q Could you describe the sort of
11 authority the first mate of your ships is given as
12 compared with the Captain in pilotage matters, in navi-
13 gating the ship?

14 A What authority he is given?

15 Q Yes.

16 A He only works under one authority.

17 Q Pardon?

18 A He only works under one authority,
19 the Captain.

20 Q Yes, but when he is on watch him-
21 self is he on his own or --

22 A No; he is on his own. If the
23 Captain assigns him to do a stretch of the river he is
24 fully capable of doing it and he is on his own.

25 Q Is this a matter of your Company
26 policy?

27 A Yes, sir.

28 Q In other words are these the in-
29 structions?

30 A Well, it is the method of training



1 them.

2 Q What about the second mates?

3 A I do not follow your question.

4 What do you mean?

5 Q What is the extent of their author-
6 ity when they are on watch?

7 A The second mates, if they are doing
8 the watch, it is normally the Captain or the first mate
9 who is around. If they are there they will make them
10 go ahead and do it and watch them.

11 Q Could you explain that a little
12 further? When the second mate for example is on watch
13 and the master is on the bridge with him who is actually
14 doing the conning of the ship?

15 A Normally, why, the master will tell
16 him to get up in the wind and get to work, and watch
17 him.

18 Q Do you know this of your own
19 knowledge?

20 A That is the way it is done.

21 Q Have you been on the bridge of your
22 ship when this has occurred?

23 A Yes.

24 Q Do you consider that a training
25 system?

26 A Yes, sir.

27 Q Does that system extend into the
28 area where your ships must take pilots or must pay for
29 pilotage?

30 A No. If there is a pilot aboard the



1 pilot, of course, is doing the work.

2 Q To what extent is the pilot doing
3 the work? Does the master hand over the control of the
4 ship to the pilot in those areas completely?

5 A Well, if there is any docking or
6 handling to be done he will do it himself.

7 MR. JACQUES: The master?

8 THE WITNESS: The master at all
9 times.

10 MR. LALONDE: Will you ask the
11 witness the last time he was on board a ship with a
12 pilot aboard on the bridge?

13 THE WITNESS: The last time?

14 MR. LALONDE: When you saw the
15 actual operation on a trip?

16 THE WITNESS: I would occasionally
17 go down to Seven Islands with one of our ships.

18 MR. LALONDE: This is not my
19 question.

20 MR. MAHONEY: Q When was the
21 last occasion you went down to Seven Islands, Captain?

22 A A year ago last Fall.

23 MR. LALONDE: You were on the bridge
24 during the trip?

25 THE WITNESS: Yes.

26 MR. MAHONEY: This training scheme,
27 as you have referred to it, is it a matter of your
28 Company's policy which the masters understand?

29 A Yes, that is correct. We try to
30 keep them progressing along ^{all} the time to keep them ready



1 for an advancement.

2 Q Captain Milne, in the Montreal
3 Harbour area if your ships were not required to pay
4 pilotage there, would they use pilots?

5 A I think they would, primarily be-
6 cause of certain docks that would be a little more dif-
7 ficult than others. If it was a case of just getting
8 into the upper harbour or something like that where
9 there is not too much current to be encountered ...

10 Q When you say the upper harbour, do
11 you mean above the clock tower?

12 A Yes, that is right.

13 Q What about a ship going from St.
14 Lambert, from the Seaway into the inner harbour?

15 A We take pilots. We seldom have
16 ships come into Montreal Harbour but any time we do we
17 take pilots.

18 Q Would you take a pilot if you were
19 not required to or if you did not have to pay for them?

20 A Yes.

21 Q Does that apply to a ship going
22 into the inner harbour from St. Lambert as well as, say,
23 No. 3 or 4 --

24 A Yes.

25 Q This would be your Company policy?

26 A Yes.

27 Q Did you say the reason for that
28 was because of the currents?

29 A That is right. Currents, of course,
30 are much worse in some places than in others, but we



1 would normally take a pilot.

2 Q Of your own knowledge does that cur-
3 rent vary or is it fairly stable?

4 A Well, I would think the current
5 would be stronger in the Spring of the year than it
6 would later.

7 Q Captain Milne, you said you have
8 both AM and FM radio-telephone sets on your vessels.
9 Is that two separate sets?

10 A One is very high frequency phone
11 for short-range and the other one is for longer range.

12 Q Have you had experience, or knowledge
13 rather, of the development of radio-telephony on Great
14 Lakes ships?

15 A Yes. You have got to go back and
16 haul this one up a long way. I cannot be certain of
17 the year, but I would think it would be about 1945,
18 1946 or somewhere in there. There was a first big con-
19 vention on radio-telephony held in the Windsor Hotel
20 in Montreal -- I may be wrong on the year -- between
21 the American operators and Canadian operators, and
22 where there had been some before that.

23 And after that, why, there seemed
24 to be more interest shown by the shipowners to install
25 the equipment.

26 Q When you say by the American and
27 Canadian operators were these discussions sponsored by
28 the American and Canadian Shipping Associations?

29 A Yes. They had the representatives
30 of Canadian Marconi, the Lake Carriers, as I recall it,



1 Mr. Jansky; the American Coast Guard were at it, as I
2 recall. I think the Canadian Government was represented
3 too.

4 Q Was it as a result of those con-
5 ferences that the radio treaty between Canada and the
6 United States was signed covering radio-telephony?

7 A I cannot answer that; I am not sure
8 of that.

9 Q Your knowledge does not extend that
10 far?

11 A No, it does not go that far.

12 Q You appreciate that there is such
13 a treaty governing radio-telephony on the Great Lakes?

14 A Yes.

15 Q In your opinion, Captain Milne, has
16 the radio-telephone been a significant improvement in
17 or has it had significance in the development of
18 safety on the Great Lakes and the River?

19 A Oh, yes.

20 Q In what respect would you say it
21 has contributed to safety?

22 A Well, it is that important now that
23 you are working your radio phone constantly to keep
24 ships posted as to where you are and what is going on.
25 You get your instructions through the Seaway by radio
26 phone.

27 As a matter of fact, you do not go
28 through the Seaway without one and they are in constant
29 use all the time.

30 Q As between the ships themselves,



1 say two Great Lakes ships meeting or approaching one
2 another in a channel, is extensive use made of the radio
3 telephone?

4 A Yes, that is correct.

5 Q Where is the radio-telephone
6 located on the ship?

7 A Normally in the pilot house.

8 Q Right on the bridge?

9 A That is right.

10 Q Captain Milne, considering the ex-
11 tensive use that is made of the radio-telephone would
12 you have any ideas about a further use which could be
13 made of that system, say in the St. Lawrence River?

14 A Well, unless the Government put
15 traffic control stations in -- if you are talking east
16 of Montreal?

17 Q Yes.

18 A Well, at the present time I believe
19 Quebec and Three Rivers are under traffic control, as
20 far as I know. If they were to adopt some similar
21 system to what the Americans have in the upper rivers
22 -- and this is being put in at Alexandre Bay this year
23 -- I suppose more use would be made of them.

24 THE CHAIRMAN: What is it?

25 THE WITNESS: They put reporting
26 stations in. They give you instructions as you pro-
27 ceed from one point to another.

28 THE CHAIRMAN: Where is that?

29 THE WITNESS: In the ~~St.~~ Sioux River and
30 Alexandre Bay is having it installed this year -- the



1 U.S. Coast Guard Control.

2 Q It would be the Upper St. Lawrence
3 River? Would you consider such a system useful?

4 A Yes. I think that there will be
5 more effective control of traffic if it is handled the
6 same as they do in the upper rivers, as efficiently as
7 they are, where traffic is aided rather than impeded.

8 Q Is it true that the efficiency of
9 such a system really depends on the operator?

10 A I would think so.

11 Q That is the operator ashore?

12 A That is right, not aboard the ship.

13 MR. MAHONEY: I have no further
14 questions; thank you.

15 CROSS-EXAMINATION BY MR. LALONDE:
16

17 Q Captain Milne, I understand you have
18 been a member of the Pilotage Committee of the Dominion
19 Marine Association for some years?

20 A Probably three years.

21 Q You have been for about three years?

22 A Yes, I think so.

23 Q Could you give us a list of the
24 members of the Pilotage Committee?

25 A Not off-hand.

26 Q How many people are there on that
27 committee?

28 MR. MAHONEY: My Lord, the Association
29 can supply this information.

30 THE CHAIRMAN: Well, it was suggested



1 yesterday and it was given a number -- 1135.

2 MR. LALONDE: The Pilotage Committee?

3 THE CHAIRMAN: Yes, both the list of
4 the Dominion Marine Association and the Pilotage Committee.

5 MR. LALONDE: I understand my friend
6 has not had time to prepare this and supply it this
7 morning, but he should not be surprised if I ask that
8 those witnesses be recalled when these documents are
9 produced.

10 I would have expected they would
11 have been filed before.

12 Q I understand you stopped sailing in
13 1938; is that correct?

14 A That is correct, sir. That is, I
15 was no longer aboard the ships working.

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Q Were you the Master of a ship?

A No sir, I was the First Mate of a ship.

Then I was taken ashore.

Q That was for Keystone?

A Yes, sir.

Q How long had you been First Mate of a ship?

A How long had I been First Mate of a ship?

Q Yes.

A I had been First Mate for one and a half years before I was taken ashore.

Q Before that then you had been Second Mate and --

A Two and a half years.

Q You were trading with Keystone, trading the Lakes and the Gulf?

A That is right, sir.

Q How many meetings of the Pilotage Committee did you attend in the last year or three years? Do they meet regularly?

A Not regularly. They have some. I think I would have to refer to the record to find out how many there have been.

Q My question was: How many did you attend?

A How many meetings did I attend?

Q Yes.

A I can't recall. It has been about two in the last three or four months, I suppose.



1 Q In the last year would you have any
2 idea whether you had meetings?

3 A Yes, there were meetings -- they were
4 called -- I suppose they were called.

5 Q I understand you left Keystone in
6 1958?

7 A Yes.

8 Q It is not a fact that Keystone ships
9 ~~mainly~~ traded, let us say, after 1950 or so on the
10 Great Lakes and to Montreal? There was a decrease in
11 the trading in the Gulf?

12 A That is correct, there was a decrease.

13 Q Would it be fair to say there would
14 have been really only the odd trips made below Montreal
15 for your fleet?

16 A No, not odd trips because they were
17 carrying pulpwood. They were running down under
18 charter to Clark Steamship out of Newfoundland. There
19 were many trips made.

20 Q Still did you have any ships on a regu-
21 lar run below Montreal after 1950, let us say?

22 A No, I don't think we had anything on
23 a regular run.

24 Q It would be fair to say there was for
25 the fleet a substantial decrease in the number of trips
26 made below Montreal approximately that year?

27 A Yes, that is right. We had traded
28 more regularly prior to that.

29 Q I understand that the older Captains,
30 like Captain Brown, who has now died, and a fair



1 number of the others, who have retired, were old Masters
2 of ships before 1950 on these regular runs?

3 A He was not too old. He was 56 and he
4 dropped dead.

5 Q Well, at the present time were they
6 Masters aboard the ships on a regular run below Montreal?

7 A Yes, I mean Captain Dishaw was one
8 when we had regular runs.

9 Q Well, let us put it this way: were
10 they Masters aboard your ships when you were doing
11 frequent trips before 1950?

12 A Captain Dishaw was Captain of the
13 KEYNOR for ten years before he came to the Company.
14 He used to go down there and then the Captain that is
15 on the LAKE WINNIPEG, while he was Captain of a ship
16 in another Company, I know they traded steadily down
17 there in the pulpwood trade.

18 Q What was his name?

19 A Scrutton.

20 Q What Company was he with?

21 A Scott Misener.

22 Q What was the ship's name?

23 A That he was Captain of?

24 Q Yes.

25 A It was one of the canalers. It is
26 out of existence now. The IRWIN. I think that is
27 correct, the one that was named after the Superintendent.

28 Q The IRVINE or the IRWIN?

29 A IRWIN, I think that is right.

30 Q Has your Company issued instructions



1 to Masters with regard to the use of pilots above
2 Montreal?

3 A Have we issued instructions?

4 Q Have you given instructions.

5 A No. There is no occasion because we
6 don't use them.

7 Q Well, that is the point. Were there
8 any instructions given as to their use or any prohi-
9 bition as to their use?

10 A I would prohibit, yes. That is why
11 they are not used.

12 Q I understand you have prohibited it?

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A Well, certainly, because we don't use them.

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Q Would it be fair to say you don't use them because you have prohibited them?

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A No. Let me say it this way. We have no occasion to use them because the men that are at work there in the Upper River, I don't think need any advice from anyone else. ^Q /The Carryore is an American-controlled Company, is it not?

11

12

A Yes, sir. They are a Canadian Company, affiliated with the steel industry.

13

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Q Is that the U.S. Steel?

A No.

Q The Bethlehem?

A No, Hanna Mining Company.

Q Now, you said you had made a trip below Montreal aboard your ship last year, I think once; is that right?

20

21

A That is right. I don't make as many as I should because I haven't the time.

22

23

Q You stayed on the bridge all the way down?

24

25

26

A No. I was an observer.

Q You went all the way down from Montreal to --

27

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A Seven Islands and came back up again.

Q I understand after you boarded at Montreal the ship docked at Seven Islands. Is that correct?



1 A That is correct.

2 Q Then your ship would have docked at
3 St. Lambert Lock. Is that it?

4 A Yes, sir.

5 Q Were you on the bridge when it docked
6 at those two places?

7 A Well, you are asking -- I would say
8 "yes" but I do not specifically recall. I know that if
9 they are docking anywhere, as a matter of curiosity I
10 would be there.

11 Q As far as trips up and down the river
12 or that particular trip, I understand it is a pretty
13 long trip to have stayed up all the time. Probably
14 you went to bed for a while there on that trip, I
15 suppose?

16 A As I recall it, I stayed up 'til we
17 passed Father Point, which was four o'clock in the
18 morning. Then I gave up and went to bed past the Gulf.

19 MR. LALONDE: That is all.

20 CROSS-EXAMINATION BY MR. BRISSET:

21
22 Q Captain, if I may summarize your evi-
23 dence, would it be fair to say what you are advocating
24 is that your Company or your ship be free to use pilots
25 and that they use them when and where these pilots are
26 needed?

27 A Yes.

28 Q That would be a fair way to put it?

29 A Yes, sir. That is if it is obligatory
30 and they require pilots, there is no restriction placed



1 on them in taking pilots. Is that your question, sir?

2 Q No, what I was saying to you is that:
3 as I understand your evidence what you are advocating
4 is that you be free or your ships be free to use pilots
5 so that they will be used when and where needed and
6 will not have to be used when they are not needed?

7 A That is right, sir.

8 Q Is that fair?

9 A That is right, sir.

10 THE CHAIRMAN: In other words, on the
11 regular trading routes you will try not to use them but
12 when you go to places where they do not go very often
13 then you will use them, like the Port of Montreal?

14 A That is correct, sir, or in the
15 districts where it is obligatory. There is no res-
16 triction for taking pilots.

17 MR. BRISSET: Q To say it all
18 differently. You do not want to be obliged to use
19 pilots when you do not need them?

20 A That is right, sir.

21 THE CHAIRMAN: While we are on the
22 subject, I have one question here. I see from your
23 answer the Officers are trained to do the actual con-
24 nying of the ship so that you do not need any relief
25 Masters normally.

26 Why would you need relief Masters in
27 the Montreal District? Why is it your First Mate or
28 your Second Mate cannot do the job there?

29 A Well, My Lord, we don't carry pilots
30 above Montreal and --



1 THE CHAIRMAN: Excuse me. I should
2 have finished the question. This is an eventuality
3 that you would not be obliged to take pilots but you
4 said in your previous evidence that you would in any
5 event take pilots in the Montreal District?

6 A That is correct, sir.

7 THE CHAIRMAN: Just so that it is
8 clarified.

9 A We do that for a simple reason of
10 trying to apportion the job, the workload and in the
11 Montreal-Quebec area we would take a pilot.

12 THE CHAIRMAN: The Officers would not
13 suffice there?

14 A No, I wouldn't ask them to, My Lord.

15 MR. BRISSET: Q In other words --

16 THE WITNESS: You can only do so much.
17 It wouldn't be reasonable to expect a man to be able to
18 go through the Gulf right through to Lake Ontario with-
19 out giving him some help.

20 THE CHAIRMAN: There is a First Officer
21 who could relieve the Captain.

22 THE WITNESS: Yes. That is up above,
23 from Montreal West. He relieves the Captain there in
24 the river stretches.

25 THE CHAIRMAN: Not down?

26 THE WITNESS: No. He doesn't do the
27 piloting, of course.

28 MR. BRISSET: In other words, in
29 Montreal-Quebec you would use a pilot as an extra
30 watch-keeping Officer?



1 THE WITNESS: In any event, we would
2 take a pilot.

3 Q You would use him as an extra navi-
4 gator or watch-keeping Officer?

5 A He is there for the purpose of giving
6 assistance to taking the ship down river.

7 CROSS-EXAMINATION BY MR. JACQUES:
8

9 Q On these occasions when the pilot was
10 unable to board at Escoumains, due to weather conditions,
11 would you explain further about that? What would be
12 the weather conditions? Was it due to fog?

13 A No, rough weather, rough seas.

14 Q Do you recall what period of time of
15 the year this occurred?

16 A It happened last Fall, November, late
17 November was one case there. It could happen any time
18 during the year of course, if a breeze of wind came up.

19 Q Did you, as administrator of your
20 Company note any difference in time taken for the pas-
21 sage with and without pilots?

22 A No sir, no difference.

23 Q No difference?

24 A No.

25 Q The same time?

26 A Yes.

27 Q In your experience as a seaman, would
28 you consider a passage from Escoumains to Quebec more
29 or less difficult in bad weather than in good weather?

30 A Well, if it is bad weather, if you



1 have foggy weather or snow, it is always more difficult.

2 Q Apart from fog and snow?

3 A No.

4 Q It would be the same?

5 A I would think so.

6 Q Do you take pilots on at Seven Islands?

7 A Yes, there are some docking pilots
8 come aboard, whether you like it or not.

9 Q So they come aboard the vessel?

10 A Yes, no choice. They come aboard but
11 they don't dock the vessel. There is a man gets aboard
12 with a tug. He is a docking Master, that is what he is.

13 Q You said --

14 A Justify the \$665.

15 Q You said you think your Masters do
16 their own docking?

17 A Yes, that is the normal practice.

18 Q How do you know?

19

20 A Well, I wouldn't even answer a question
21 like that. Certainly I am not there watching them,
22 but that is normal practice.

23 Q Is it a standing order with your
24 Company?

25 A Sometimes the Mates would dock a ship
26 too. I have seen that.

27 Q Is there a standing order of the
28 Company?

29 A To do their own docking?

30 Q Yes.



1 A Yes. That is, we expect them. There
2 is no written order to do the docking but they are ex-
3 pected to handle their own ships.

4 Q You assume they do their own docking
5 say in Seven Islands?

6 A That is right, sir.

7 MR. JACQUES: Thank you, sir.

8 CROSS-EXAMINATION BY MR. LANGLOIS:

9
10 Q Captain, if I understand your evidence
11 correctly to Mr. Jacques' question, you do use pilots
12 at Seven Islands?

13 A They are docking Masters -- that is
14 what you call them. Of course, the same thing at Baie
15 Comeau.

16 Q You can call it what you like. I
17 take it from your answer you are opposed to that system
18 at Seven Islands, is that correct?

19 A Yes, we don't have any choice, though.

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1 Q Do you know of the standing orders of
2 your Masters when pilots are on board? I am referring
3 to docking pilots.

4 A I beg your pardon?

5 Q Do you know if your Masters, in other
6 words, have special standing orders when a pilot is on
7 board the vessel as to the duties of the Officer of the
8 watch?

9 A No, I don't think there is any special
10 order.

11 Q Would you be prepared to say in your
12 experience the Officer of the watch is conning the ship
13 even though there is a pilot on board?

14 A No.

15 Q Have you ever heard one of your
16 Masters welcoming the pilot on board by these words
17 "She is all yours, Pilot, take over."?

18 A That is a common statement.

19 Q If your ships were in a District, and
20 if the ship would be exempt from the obligation of taking
21 a pilot or paying pilotage dues, would you leave your
22 Master free of using pilots as he deemed necessary?

23 A I don't think I have got your question,
24 Mr. Langlois.

25 Q Suppose you are navigating in a
26 district where pilotage would not be compulsory and pay-
27 ment of pilotage dues would be compulsory, would you
28 leave your Master free to use a pilot if he deemed it
29 necessary?

30 A If it was not an obligatory district



1 and he didn't need one, I don't think we would allow its
2 use.

3 Q You would not even leave him free to
4 use a pilot if he deemed it necessary?

5 A If he deems it necessary, yes.

6 Q Would you want him to do that if he
7 deemed it necessary to use them?

8 A If he considered it in his best judg-
9 ment to use them, yes, we would not stop him.

10 MR. LANGLOIS: Thank you.

11 THE CHAIRMAN: Any further questions?

12 MR. MAHONEY: No.

13 THE CHAIRMAN: Thank you very much,
14 Captain.

15 MR. MAHONEY: My Lord, I would like
16 to call Captain Bodensieck now. I would like to make
17 one reservation. I am expecting Captain Angus to be
18 here after lunch, and I wonder if we would be able to
19 interrupt Captain Bodensieck then at that time to put
20 Captain Angus on the stand?

21 THE CHAIRMAN: That would be all right.

22

23

24 CAPTAIN CARL AUGUST BODENSIECK, sworn

25

26 THE CHAIRMAN: Would you state your
27 full name, please?

28

29 THE WITNESS: Carl August Bodensieck.

30

THE CHAIRMAN: Your age, please?

THE WITNESS: 64.

30



1 THE CHAIRMAN: Occupation?

2 THE WITNESS: Assistant Operating
3 Manager, Canada Steamship Lines.

4 THE CHAIRMAN: Home address?

5 THE WITNESS: 420 Pine Avenue, St.
6 Lambert.

7
8 DIRECT EXAMINATION BY MR. MAHONEY:

9 Q I think you said you are Assistant
10 Operating Manager of Canada Steamship Lines?

11 A That is correct.

12 Q Is Canada Steamship Lines a member of
13 Dominion Marine Association?

14 A It is.

15 Q Are you a member of the Association's
16 Shore Captains Committee?

17 A Yes, I am.

18 Q Do you also sit on the Pilotage
19 Committee of the Association?

20 A I do.

21 Q That Pilotage Committee, Captain
22 Bodensieck, is it what you call a formal or informal
23 committee?

24 A It is an informal committee.

25 Q The meetings which it holds are they
26 formal meetings or informal meetings?

27 A Quite informal.

28 Q In the past two years have you ever
29 attended a formal meeting of that Association or of
30 that Committee?



1 A It depends on your definition of the
2 word "formal", Mr. Mahoney.

3 Q Have you ever attended a meeting,
4 where for example, the chairman called the meeting to
5 order and --

6 MR. LALONDE: Kept minutes.

7 Q And kept minutes?

8 A No, sir.

9 Q Have you attended meetings in the past
10 year or so where a few members of the Committee got to-
11 gether for informal instructions?

12 A Yes, sir.

13 Q Would you consider the Pilotage
14 Committee to be then an advisory informal committee as
15 such?

16 A I would. Excuse me, My Lord. Could
17 I have that curtain drawn. I can't see Mr. Mahoney.

18 Q Now, on the other hand, Captain
19 Bodensieck, the Navigation Committee of the Association,
20 is it a formal committee or informal committee?

21 A Navigation Committee?

22 Q Yes.

23 A I would say that was a formal committee.
24 Minutes are kept. Records.

25 Q How many ships, Captain Bodensieck, do
26 Canada Steamship Lines operate?

27 A Just now we operate 33 and one ocean
28 vessel, and we will be operating three passenger vessels.

29 Q Can you tell the Commission into what
30 categories those ships fall? That is, by numbers, in



1 the three categories which we have been considering;
2 that is, under 4,000 tons gross, between 4 and 10
3 thousand tons gross and above 10,000 tons gross.

4 A No, not right off the bat. I would
5 be very happy to give you a list.

6 Q If I show you the Association register
7 -- My Lord, I don't want to produce the Association
8 register as an exhibit because it is a working document
9 which is used all the time.

10 MR. LALONDE: Can you supply a photo-
11 copy of it?

12 MR. MAHONEY: If you pay for it.

13 THE WITNESS: My Lord, I can have a
14 list here to-night or to-morrow morning.

15 MR. MAHONEY: We could produce such
16 a list or I could have him go through the list.

17 THE CHAIRMAN: I think it would be
18 easier and it would not burden the record too much just
19 filing the list. Otherwise it will take about ten
20 pages of transcript.

21 MR. JACQUES: Exhibit 1141.

22 THE CHAIRMAN: 1141 was reserved for
23 an exhibit.

24 MR. JACQUES: It is cancelled, My
25 Lord; cancelled until such time as a decision is handed
26 down --

27 THE CHAIRMAN: Leave it the way it
28 was. Don't cancel it.

29 MR. JACQUES: The next one will be
30 1142.



1 ---EXHIBIT NO. 1142: List of Vessels, operated by Canada
2 Steamship Lines, showing
3 number of vessels in the
4 3 gross tonnage categories.

5 MR. MAHONEY: Q Exhibit 1142 will be
6 a list of vessels operated by Canada Steamship Lines,
7 showing which vessels are in the categories under 4,000
8 gross tons, between 4,000 gross tons and 10,000 gross
9 tons and above 10,000 gross tons.

10 Now, of the ships which Canada
11 Steamship Lines operate, Captain Bodensieck are they
12 all certified for inland trade or is there any other
13 certification?

14 A There is other certification. We have
15 three ships that are certified for ocean trade or lake
16 trade, and the ESKIMO, that is certified for ocean --
17 I beg your pardon, four ships with the ESKIMO.

18 Q The three ships which you mentioned
19 first, are they in fact used in ocean trade?

20 A Not at the present time.

21 Q Can you tell the Commission the sort
22 of trades in which the C.S.L. ships engage and the
23 cargoes which it carries in a general way?

24 A Bulk cargo consisting of ore, grain,
25 stone and coal and pellets, and then package freight or
26 general cargo on the package freight fleet.

27 Q Dealing first then with the package
28 freight then, what geographical area does that take in?

29 A It takes in from Montreal to the Head
30 of the Lakes, to Fort William.



1 Q Montreal is the eastern terminus?

2 A Yes, and Fort William would be the
3 western terminus.

4 Q Is this coasting trade or inter-
5 national?

6 A That is coasting trade, but it could
7 be international with a diversion sometimes to Detroit.

8 Q Is that a regular part of the busi-
9 ness, that diversion?

10 A No, it is not. I don't think one
11 could term it regular, no. Windsor is generally -- I
12 don't know. Very frequently to Detroit. The Detroit
13 Free Press.

14 Q Considering package freight trade as
15 a whole, is any appreciable or significant portion of
16 it international, or is it primarily domestic?

17 A Primarily domestic.

18 Q The bulk cargoes carried by C.S.L.,
19 Captain Bodensieck, are they carried in the internation-
20 al trade or in the domestic trade or both?

21 A Both.

22 Q Could you give the Commission any idea
23 of the proportions of domestic or coasting to inter-
24 national trade?

25 A It would be just an idea because that
26 will depend largely upon the movement of wheat. If
27 there is a large movement of wheat it will naturally
28 make the balance -- it will alter the balance. Probably
29 in the region of 60-40 in favour of domestic.

30 Q In favour of domestic?



1 A Yes.

2 Q So that Canada Steamship Lines then is
3 perhaps a little more engaged in the coasting trade you
4 would say than some of the other Companies operating on
5 the Lakes? Would that be a fair analysis?

6 A I think that would be a fair analysis.
7 There again if we were to get a lot of business, a lot
8 of coal business from Sodus to Toronto, that would be
9 an international business and would alter the picture.
10 The picture can be very variable.

11 Q Captain Bodensieck, the ore cargo
12 which is carried by C.S.L., from what port is it carried
13 to what port, generally speaking?

14 A The ore business?

15 Q Yes, the ore business.

16 A Carried from Taconite, and it is
17 carried from Taconite to the Soo. It is carried from
18 Seven Islands to Lake Erie ports. Carried from Seven
19 Islands to Hamilton and a little bit of Picton ore is
20 carried -- transfer ore is carried from Montreal.

21 MR. LALONDE: Contrecoeur?

22 THE WITNESS: Yes, Contrecoeur.

23 Q So again it is partly coasting trade
24 and partly international?

25 A Quite.

26 Q Captain Bodensieck, how long have you
27 been engaged in shipping business in one way or another?

28 A Since -- you mean when I went to sea?

29 Q Yes.

30 A In 1916.



1 Q What certificates of competency do
2 you hold?

3 A Master's Foreign-going.

4 Q Do you recall when you gained that
5 certificate?

6 A To be truthful, I am not quite sure.
7 I remember the day, but not the date. The day stands
8 out very prominently, but the date -- it would be 1924
9 or 1925.

10 Q Was that a border trade certificate?

11 A Yes, border trade certificate.

12 Q In your early career at sea I take
13 it from what you said that you served on British flag
14 ships; is that correct?

15 A That is right.

16 Q In what trades were those ships
17 engaged?

18 A Oh, everywhere. Throughout the
19 cockeyed World. Nearly everywhere.

20 Q Were you ever engaged in a particular
21 coasting trade, for example?

22 A Yes, I was for a short while running
23 from Sydney to Montreal.

24 Q Would that be a British ship?

25 A That was a British ship.

26 Q Have you actually sailed Canadian
27 flag ships?

28 A Oh, yes.

29 Q When did you start sailing on
30 Canadian ships?



1 A As Master?

2 Q Yes.

3 A In 1929.

4 Q Had you sailed on Canadian ships
5 before that, not as Master?

6 A Yes, in 1928.

7 Q Did you sail any British flag ships
8 as Master?

9 A For a short while, relieving.

10 Q Was that in the coasting trade?

11 A That was in the coasting trade.

12 Q With what Canadian Company did you
13 start your sailing?

14 A Only Canada Steamship Lines.

15 Q For how long did you sail a ship
16 for Canada Steamship Lines?

17 A As Master?

18 Q Yes.

19 A Twenty-five years.

20 Q From when to when? Between what
21 dates?

22 A From 1929 to 1954, I think. How
23 many years is that? There was an interval between when
24 I was ashore for one year.

25 Q During that time in what trade were
26 you engaged primarily?

27 A In the summertime I was trading
28 between Montreal and Chicoutimi, and in the Spring and
29 Fall I used to go sailing Master on the lake vessels
30 for a number of years. That is from the Head of the



1 Lakes down to all kinds of places, Sydney, Newfound-
2 land and so forth.

3 Q This sailing Master practice, you
4 say this was on lake ships?

5 A Yes, lake ships.

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1 Q Ships owned by Canada Steamship
2 Lines?

3 A That is correct.

4 Q Why was a sailing master required
5 on those ships?

6 A Because the Masters of the ships
7 that I took as sailing Master only had inland certifi-
8 cates, or minor water certificates, I should say, and
9 these vessels would be going within home trade waters
10 or coasting waters.

11 Q So the Company put one of their
12 sailing Masters on board for that part of the voyage;
13 is that correct?

14 A For that part of the voyage, and
15 sometimes you would be on for the whole season, but
16 would then take over having left Montreal. Having
17 left Lock 1 you take over for the rest of the trip.

18 Q Approximately what period of time
19 is that, Captain Bodensieck?

20 A Well, I know it was in the starving
21 '30's. It must have been somewhere about 1930 to 1938
22 -- 1937. 1930 to 1937 I think would be a fair time.

23 Q On the British flag ships which you
24 sailed in the coasting trade, as you have mentioned,
25 were sailing Masters of any kind used?

26 A Would you repeat that one?

27 Q On the British flag ships on which
28 you served in the Canadian coasting trade which you
29 mentioned earlier were sailing Masters used?

30 A On British ships, no.



1 Q Were pilots used on those ships in
2 that area?

3 A In what area?

4 Q Well, I take it those ships were
5 coasting between Sydney and Montreal?

6 A Between Sydney and Montreal. They
7 would all take pilots between Montreal and Quebec, but
8 some would not take pilots between Quebec and Father
9 Point.

10 Q What size were those ships, Captain
11 Bodensieck?

12 A Around 8,000, 10,000 dead weight.

13 COMMISSIONER SMITH: Were they en-
14 gaged in the coal trade?

15 THE WITNESS: The coal trade.

16 MR. MAHONEY: Q They were not
17 then exempt ships; is that correct?

18 A In those days, they were not exempt.
19 They were not obliged to carry pilots between Father
20 Point and Quebec.

21 MR. LALONDE: So they were exempt
22 below Quebec?

23 THE WITNESS: They were exempt below
24 Quebec; that is right.

25 MR. MAHONEY: Q Did they
26 carry anyone to assist them in the practical pilotage
27 of the area?

28 A Some did. Some had apprentice
29 pilots as third mates. That is, pilots that were ap-
30 prenticed to the Lower River Pilotage District.



1 Q This was a fairly regular practice,
2 was it?

3 A On some; not all ships, but on some.

4 Q The ships that you were speaking of
5 in that sense, were they British ships or Canadian
6 ships?

7 A Those that I knew of were British
8 ships.

9 Q Did you know of any Canadian flag
10 ships -- that is, lake ships which adopted the practice
11 of using apprentice pilots in that area?

12 A None to my knowledge.

13 Q Were the Canadian ships trading
14 into that area exempt ships also?

15 A Canadian ships were exempt, yes.

16 COMMISSIONER SMITH: Were those
17 ships owned by Dosco or chartered ships?

18 THE WITNESS: There were some that
19 were chartered and some that were owned by Dosco.
20 Then Dosco disposed of their ships and for a while they
21 were operated by Watts Watts. Whether they were wholly
22 owned by Watts Watts or not, I do not know.

23 MR. MAHONEY: Captain Bodensieck,
24 do Canada Steamship Lines ships use pilots now in the
25 Montreal/Kingston area?

26 A No, sir.

27 MR. LALONDE: Sorry, my Lord, there
28 is already evidence on this record and I am sure that
29 the witness does not want to perjure himself.

30 MR. MAHONEY: Perhaps the witness



1 has misunderstood.

2 MR. LALONDE: That is why I say it.
3 I know he is not lying.

4 THE WITNESS: Thank you, Mr. Lalonde,
5 for saving me from sinning. When Mr. Mahoney asked me
6 that question I thought he was referring to licensed
7 pilots other than our two contract pilots.

8 MR. MAHONEY: Yes, I was. I was
9 about to bring that out, my Lord, but Mr. Lalonde was
10 pretty quick.

11 Q Is it true then that Canada
12 Steamship Lines does not use licensed pilots other than
13 the two special pilots in that area?

14 A That is correct. A year ago by a
15 misunderstanding one was engaged, two years ago.

16 THE CHAIRMAN: Those two pilots are
17 licensed?

18 MR. MAHONEY: Yes, my Lord; I was
19 just going to bring that out.

20 Q The two pilots that you have are
21 members of the Kingston/Montreal pilotage district and
22 are licensed pilots?

23 A Yes, licensed by the Department of
24 Transport.

25 Q How long has Canada Steamship Lines
26 roughly used those particular men as licensed pilots?

27 A Goodness me, this goes back to a
28 great number of years. How many years I could not tell
29 you, but I think somewhere in evidence, my Lord,
30 Desgroseillers gave you a statement of his lengthy



1 service.

2 Q I just wanted to find out whether
3 it was a recent thing or of long-standing.

4 A Oh, no; it has been in existence
5 many years.

6 Q Do you use any other form of pilot-
7 age in that area?

8 A Of pilotage?

9 Q Yes.

10 A No.

11 Q For what purpose do you use the
12 special pilots in that area?

13 A Now we use them primarily for train-
14 ing purposes, for training junior officers, and they
15 do serve as a relief to the Masters of vessels.

16 Q Do you use any other relief officers
17 in that area?

18 A We do.

19 Q How many such officers do you use?

20 A The number will depend upon the
21 number of vessels that we may have to lay up because
22 of the circumstances of the trade. Rather than let
23 these Masters go unemployed we will use them as as-
24 sistants on other vessels.

25 Q So these in effect are spare Masters
26 which you happen to have in your employ; is that
27 correct?

28 A Quite.

29 Q Are they used continuously as
30 relief officers or when another ship is available are



1 they put back onto the regular list?

2 A They are used only occasionally and
3 if their ship should go out or if a skipper should be
4 sick we would want a replacement and they would be
5 used in that capacity.

6 Q So is it true to say that they form
7 a replacement pool as well?

8 A That is right.

9 Q What form of contract do you use
10 for such personnel?

11 A We use the time agreement form issued
12 by the Department of Transport.

13 Q Is this an agreement form in which
14 the officer is employed to sail on a named list of
15 ships?

16 A That is correct.

17 Q What procedure do you adopt in en-
18 tering into that contract? Do you enter into it each
19 year?

20 A Each year, yes, and the person so
21 employed will sign the form. We keep one copy; one
22 copy is sent to Captain Slocombe's office, and the
23 crew -- and of course they sign on the trips.

24 q In addition to that contract they
25 sign on each trip?

26 A Yes.

27 MR. MAHONEY: My Lord, I do not
28 have a copy of that form of contract but I have asked
29 Captain Slocombe to provide one. We could give it an
30 exhibit number now.



1 THE CHAIRMAN: Yes. It should be
2 available tomorrow. It will be No. 1143.

3 ---EXHIBIT NO. 1143: (To be produced.)
4 Department of Transport
5 Time Agreement form.

6 COMMISSIONER SMITH: While we are
7 on the exhibits, my Lord, Exhibit 1142, the list of
8 C.S.L. ships, as I understand it is to be the tonnage
9 broken down into various categories. Will it contain
10 the list categorizing the ore carriers, the freight
11 ships and the passenger vessels as well?

12 MR. MAHONEY: Well, it could do, sir.

13 COMMISSIONER SMITH: I think that
14 would be helpful, my Lord.

15 THE CHAIRMAN: Could you have that
16 added?

17 MR. MAHONEY: Yes. I would take it
18 then it would also show bulk carriers, package freight-
19 ers and passenger ships?

20 THE WITNESS: Yes; it could very
21 easily be done. Would my Lord like the net tonnage,
22 the gross tonnage and the dead weight tonnage?

23 THE CHAIRMAN: If you could get them.

24 THE WITNESS: It could be done just
25 as easily.

26 THE CHAIRMAN: It will be a good
27 illustration of this, yes, thank you.

28 MR. MAHONEY: Q Captain
29 Bodensieck, in the area below Montreal do you have any
30 ships which are exempt? Do you operate any ships which



1 are exempt from pilotage?

2 A Yes, sir, we do. We operate three
3 passenger vessels that are exempt from all pilotage.

4 Q Do those ships use pilots?

5 A No, sir.

6 Q What other ships do you have that
7 are exempt in that area?

8 A We have the GRAIN MOTOR, the
9 IROQUOIS and the BATTLEFORD that would be exempt under
10 certain conditions below Quebec.

11 Q Say in the past year have any of
12 those ships actually operated in that area?

13 A The BATTLEFORD did in 1962 and did
14 not use a pilot below Quebec, as sometimes she did not
15 use it.

16 MR. LALONDE: You say sometimes
17 she does not use a pilot?

18 THE WITNESS: She may have used a
19 pilot on two occasions, one or two occasions, but as
20 a rule she did not when she was running to Newfound-
21 land.

22 MR. MAHONEY: Q All your
23 other ships in that area are in the compulsory payment
24 size; they are not exempt?

25 A That is correct.

26 Q If exemptions were granted to ships,
27 to Canadian lake ships, with regard to tonnage,
28 Captain Bodensieck, can you tell the Commission whether
29 C.S.L. ships would use pilots in the Montreal pilotage
30 district?



1 A The question of whether we would use
2 pilots or not would depend upon the frequency of the
3 visits by the Master to the area in which we would be
4 operating and also from whence he had come and to where
5 he was going.

6 It would also depend to a large ex-
7 tent upon the experience of his Officers in that
8 locality. If I might take an example -- can I, my
9 Lord?

10 THE CHAIRMAN: Yes.

11 THE WITNESS: Then the MURRAY BAY,
12 that we hope will run about 54 trips this year from
13 Sorel to Havre St. Pierre, well, that vessel should and
14 the Master and the officers should become very well ac-
15 quainted with that area.

16 If pilotage was not obligatory it is
17 possible that after a period of time the Captain and
18 those officers should be proficient enough to proceed
19 without a pilot. It seems reasonable to me. It does
20 not to Mr. Lalonde.

21 Q Could you give any idea taking these
22 things into consideration of the percentage of C.S.L.
23 ships which would use pilots in, say, the Montreal
24 pilotage district?

25 A The percentage of ships?

26 Q Yes, that would continue to use
27 pilots.

28 A That would continue to use pilots?
29 Oh, at least 90 percent, probably more.

30 Q What about the Quebec pilotage



1 district?

2 A Oh, oh, I do not think any of them
3 would take pilots, again unless there was a man who
4 had never been and his officers had never been in that
5 district before.

6 Then it is reasonable to expect that
7 he might take a pilot.

8 Q Captain Bodensieck, what about
9 Montreal Harbour? Would C.S.L. ships take pilots in
10 Montreal Harbour if there was an exemption there?

11 A Under certain circumstances and to
12 certain docks, but most decidedly not to some of the
13 docks.

14 Q Could you give an example of to
15 which docks you would use a pilot and to which you
16 would not?

17 A Some of our vessels going into
18 Elevator 3; I think it would be fairly safe to say any-
19 where below the clock tower, with the exception of
20 rented sheds 62 and 63. Here is a ludicrous situation
21 now.

22 We have to pay for and so it is
23 economically justified in carrying pilots for the
24 vessels with our regular trading into that dock 62 and
25 63.

26 Those vessels make an average of
27 65 visits in and 65 visits out of that dock every year.
28 Yet under the present law they have to carry a pilot.
29 The pilot, I think it is fair to say, the pilot himself
30 sees how ridiculous it is. He does nothing. He is



1 not asked to do anything except have a cup of coffee.
2 That is the most ludicrous situation I think that exists.

3 Q Captain Bodensieck, when you are
4 breaking down these various areas of Montreal Harbour,
5 as I understand it from what you say, a ship going to
6 the inner harbour -- that is, west of the clock tower
7 -- would not use a pilot?

8 A That is correct.

9 Q Is it not true that a ship coming
10 from the St. Lawrence Seaway in order to get to that
11 inner harbour must go somewhat east of the clock tower?

12 A That is correct.

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1 Q So then considering that, is it true
2 or not that you would not use a pilot on that ship?

3 A I would like to qualify that by saying
4 it is possible we would not. I just learned of a rule,
5 a Harbour rule that has been published that seems to me
6 to show it is highly dangerous -- we might want more
7 than one pilot to navigate in that vicinity.

8 Q Which rule was that, Captain Bodensieck?

9 A Regarding the method of leaving the
10 Seaway and proceeding up the Harbour. I would prefer
11 not to comment on that, My Lord until we have read the
12 rule. It has only been given to me by word of mouth
13 but I am rather shocked to think they would make such
14 a rule without consulting either the pilots or the
15 Shipping Federation or the Dominion Marine Association.

16 MR. LANGLOIS: You are referring to
17 the recent rule of the Harbour Master in Montreal.

18 THE WITNESS: Yes, turning, yes.

19 MR. LANGLOIS: We will have them here
20 to-morrow morning.

21 MR. MAHONEY: Q I take it then,
22 Captain Bodensieck, aside from this particular rule you
23 are speaking about, you believe that in some areas of
24 Montreal Harbour a pilot is necessary and in some areas
25 it is not necessary. Is that correct?

26 A That is correct.

27 Q Which areas of Montreal Harbour do you
28 believe pilots to be necessary?

29 A With the exception of the sheds, which
30 I just mentioned, I think it would be fair to say that



1 anywhere below the clock tower, exempting the oil docks
2 for vessels bound up and then your Quebec-Montreal pilot
3 will put them alongside them.

4 COMMISSIONER SMITH: What section is
5 the clock tower in?

6 THE WITNESS: I don't think there is
7 any -- how many sections?

8 COMMISSIONER SMITH: No. What is the
9 number of the section in which the clock tower is?

10 MR. LALONDE: The pilot house, I think
11 it is nineteen.

12 THE WITNESS: I think it is at the
13 end of 19. These have been re-numbered, have they not?
14 These have been re-numbered.

15 MR. LALONDE: On the chart it appears
16 at the end of 19.

17 THE CHAIRMAN: We will take this oc-
18 casion to have a little break.

19 ---SHORT RECESS AT 11:53 A.M.
20

21 ---UPON RESUMING AT 12:10 P.M.:

22 MR. MAHONEY: Captain Bodensieck, to
23 clarify the position with regard to Montreal Harbour,
24 when you said in your opinion pilots were not necessary
25 in the inner harbour, can you clarify that a bit more.
26 Do you mean ships moving within the inner harbour or
27 ships going to the inner harbour?

28 A I mean ships mainly within the inner
29 harbour.
30



1 Q With respect to Montreal Harbour now
2 and the ships coming up river and going into the St.
3 Lawrence Seaway, which would of course include Montreal
4 River District, your ships now take pilots. Is that
5 correct?

6 A That is correct.

7 Q Over the past two years, what has been
8 your experience with such ships? Have there been any
9 incidents of damage to ships in that area?

10 A Unfortunately there have.

11 Q Could you say how many instances have
12 taken place in the past few years?

13 MR. LALONDE: I think, My Lord, we have
14 on the record the list of incidents --

15 THE WITNESS: I think it is five.

16 MR. LALONDE: Which would probably be
17 more accurate than an estimate from the witness.

18 MR. MAHONEY: My Lord, this is direct
19 evidence whereas the list is something quite different.

20 THE CHAIRMAN: Yes, all right. Carry
21 on.

22 THE WITNESS: In Montreal Harbour I
23 think it is about five.

24 Q As a result of that experience, has
25 C.S.L. ever refused to take a particular pilot in that
26 area?

27 A We have felt it necessary --

28 Q Without naming the pilot.

29 A I would prefer not to name the pilot,
30 but we thought it necessary to inform the Department that



1 we wished them not to assign a certain pilot to our
2 vessels because two vessels that he had piloted had met
3 with damage, strandings, including one amounting to
4 several thousand dollars -- \$36,000 in round figures.

5 We didn't want to take a chance that
6 there would be a third.

7 Q Did those strandings take place with-
8 in Montreal Harbour itself?

9 A Yes, those strandings took place in
10 Montreal Harbour.
11 That is, if one includes the entrance from the Seaway
12 as Montreal Harbour. Yes.

13 Q Did both those strandings take place
14 in the entrance to the Seaway?

15 A With that particular pilot?

16 Q Yes.

17 A Not with that particular pilot. One
18 was at the exit of the Seaway. There was another at
19 the entrance of the Seaway with another pilot. There
20 was another one off Laurier Pier with another pilot.
21 There was another one off 62-- I think -- I am not quite
22 sure of that -- with the same pilot as had touched
23 bottom at the exit.

24 Q As a result of your informing the
25 Pilotage Authority that you did not wish to have this
26 pilot on your ships again, has that pilot been able to
27 avoid your ships or has he ever appeared on the ships?

28 A He has been able to avoid our ships
29 until last year. He was again placed on our vessel.
30 I noticed his name on a receipt, on an invoice for
pilotage that came into the office and we have taken no



1 further action.

2 Q In all the cases which you have
3 mentioned, have the pilots actually been in command --
4 on the bridge and in command at the time?

5 A Not in command. Let us say, were they
6 acting as pilots -- yes.

7 Q Performing their duties as pilots?

8 A Yes. On one occasion, the occasion
9 where there was considerable damage done to the vessel
10 at the exit to the Seaway, the pilot had actually
11 countermanded the Master's Orders and taken the wheel
12 himself.

13 Q In those cases the official report --
14 you don't know this because you were not there, but be-
15 cause the reports made within the Company?

16 A Yes. The declaration of the Master
17 and the declaration was made too on the Customs form
18 and the form that is sent to our office.

19 MR. LALONDE: By your Master?

20 THE WITNESS: By the Master. I have
21 every reason to believe it was quite truthful.

22 MR. MAHONEY: Q At the time of the
23 opening of the St. Lawrence Seaway, Captain Bodensieck,
24 were many of the smaller C.S.L. ships laid up?

25 A Yes, a great number.

26 Q Over a period of a year or two?

27 A Over a period of years.

28 Q And the certificated personnel of those
29 ships, were they placed on other C.S.L. ships?

30 A Quite a number. All that we could we



1 placed on C.S.L. ships. Some demotions had to neces-
2 sarily take place. Others joined the pilotage service,
3 but particularly that service between Montreal and
4 Kingston.

5 Q The personnel on those ships, were
6 they by reason of the size of the ships, mostly personnel
7 engaged in the Lower River trades?

8 A No, not mostly so. Those ships were
9 trading then from the Head of the Lakes north to the
10 Lakes ports as far as Sydney and New Brunswick and
11 Newfoundland.

12 Q So were the Officers of those ships
13 persons with at least some experience in the River at
14 Montreal and in the Gulf?

15 A Of the small ships?

16 Q Yes.

17 A They all had considerable experience
18 below.

19 Q Captain Bodensieck, you have attended
20 meetings of the Navigation Committee of the Dominion
21 Marine Association, I think you said earlier?

22 A Yes.

23 Q Do you attend those meetings regularly?

24 A I have been attending those meetings
25 since 1938 or 1937 with the exception of a five-year
26 interval when I was managing a hotel and last year I
27 was unable to attend, but helped in preparing the agenda.

28 Q When you say last year, do you mean in
29 1963 or the meeting in 1964, the one held recently?

30 A The most recent one. That is 1964



1 concerning the operations of 1963.

2 Q Do you have knowledge of the procedure
3 that is used within that committee for considering new
4 separate courses or changes to old separate courses?

5 A Yes.

6 Q Do you recall any discussions within
7 recent years of the possibility of establishing sepa-
8 rate courses in the Lower River?

9 A I do.

10 Q Do you recall when those discussions
11 took place?

12 A It came up in 1962 and it may have
13 been proposed in 1961. I am not sure but it came up
14 for discussion in 1962 and it referred to a separate
15 course particularly in the region of Ile de Coudres.
16 We could not get full agreement on it. I had discussed
17 this suggestion informally with some of my pilot friends.
18 I still have friends amongst the pilots.

19 MR. LANGLOIS: How many?

20 MR. JACQUES: Don't mention the names.

21 THE WITNESS: And they could see no
22 merit in it. I must confess that myself I could see a
23 great deal of their point of view.

24 I had taken ships through myself there
25 in a gail of wind and very strong tide and to maintain
26 a course on a low-powered vessel is practically im-
27 possible so it was not proceeded with any further, My
28 Lord.

29 THE CHAIRMAN: Was that the two lanes
30 on the same channel?



1 THE WITNESS: Yes, in the same channel,
2 yes sir.

3 THE CHAIRMAN: Was there any consider-
4 ation given to taking another channel, for instance,
5 having a south channel or a north channel?

6 THE WITNESS: Yes, My Lord. That had
7 been considered and it was thought it would be too ex-
8 pensive to maintain.

9 There used to be such a channel many
10 years ago. I think I am right in saying that Canada
11 Steamship Lines practically had the present channel to
12 itself until the first EMPRESS OF BRITAIN was built and
13 in operation. Perhaps Mr. Langlois can help me with
14 regard to the date, but it was then -- she was so deep
15 that they decided they would use the north channel and
16 before long everybody was flogging along following our
17 tail down, and that has become -- .

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1 THE CHAIRMAN: That was the time the
2 EMPRESS OF BRITAIN had to wait --

3 THE WITNESS: Exactly, My Lord.

4 THE CHAIRMAN: For the tide?

5 THE WITNESS: Quite.

6 THE CHAIRMAN: What is an illustration
7 of the cost involved in maintaining the channels just
8 from a safety angle? Would it be better to have two
9 channels being used, one for upbound and the other for
10 downbound traffic.

11 THE WITNESS: If we are going to
12 consider this, and this is something quite personal --

13 THE CHAIRMAN: That is right.

14 THE WITNESS: I think a sort of traffic
15 control would be far more desirable. One has only got
16 to travel by plane a few times, and if one is lucky like
17 we are, we have our own private plane, to see what a mar-
18 vellous job the Department of Transport is doing in
19 traffic control for planes, and, mind, sir, they can't
20 stop one of those up in the air and say "Wait".

21 It is true they can alter their alti-
22 tude and the ship can't -- only to his detriment. A
23 plane can't go astern and the ship can; the plane can't
24 anchor and a ship can. We have excellent personnel.
25 It is proved by air control -- you talk to the pilots,
26 as I frequently do, and they are full of praise for the
27 way Canadian airports handle their traffic control.

28 Those people can be obtained, and I
29 think ships and shipowners would save an awful lot of
30 money. There wouldn't be the delays that some people



1 might first think. We would get ships moving and moving
2 safely, but that would have to be something worked out
3 between the various interested parties the Federation,
4 D.M.A. and pilots.

5 It can be done. It has become neces-
6 sary, My Lord, in the harbours. It has become neces-
7 sary in entrances to ports such as Liverpool and so
8 forth. I think we in Canada should be in the forefront
9 -- we have radio-telephones for the safety of ships
10 and safe navigation on the Lakes -- should well be to
11 the forefront here. We slip backwards very badly. Our
12 present so-called signal service is entirely inadequate.

13 By jove we had a vessel that met with
14 a disaster, sunk in the river this last year.
15 Called signal service in Montreal to find out where
16 this vessel was. It was coming up, thirty miles below
17 Quebec.

18 THE CHAIRMAN: That was the TRITONICA.

19 THE WITNESS: The TRITONICA, My Lord,
20 and despite the fact it had come over the air, over a
21 private radio station that she was sunk, checked again
22 with signal service in Montreal, and they still insisted
23 she was coming up. Checked back with the radio station,
24 and they said "Oh, you haven't called the signal service
25 in Quebec."

26 This is eight hours afterwards, My
27 Lord, signal service in Quebec came out with the sad
28 news, but that will indicate lack of proper communication.
29 I think you have already heard how difficult it is in
30 parts of the River to communicate with shore stations.



1 That should be improved upon.

2 MR. MAHONEY: Q Captain

3 Bodensieck, getting back to the separate courses as such
4 and the point which His Lordship was making to you as to
5 the separation of the courses using different channels,
6 is this not in fact done in some of the connecting
7 channels of the Great Lakes?

8 A Oh yes, it is. It is at Neebish Island
9 and so forth.

10 Q In the Detroit River as well?

11 A Yes, My Lord. It can be done.

12 Q Regardless of the expense of maintain-
13 ing those channels, would this not be a desirable safety
14 feature even aside --

15 A Every safety feature is desirable.

16 MR. MAHONEY: I have no further
17 questions, My Lord.

18 CROSS-EXAMINATION BY MR. LALONDE:

19
20 Q You are a member of the Pilotage
21 Committee, Captain?

22 A Yes, sir.

23 Q Those informal meetings you attended,
24 let us say the last one you attended, do you remember
25 about it? Do you remember when it was?

26 A Yes. It was in Mr. Mahoney's office.

27 Q How many people were present?

28 A How many members of the Pilotage
29 Committee? I am not sure, but there were about eight or
30 nine people present.



1 Q Could you name those who were members
2 of the Pilotage Committee who were there, for instance?

3 A Who were there then? Captain Milne
4 was there.

5 Q Yes?

6 A Captain Tischart, and I was there.

7 Q Yes.

8 A Mr. McKeon was not there.

9 Q He was not there?

10 A No.

11 Q Is he a member of the Committee?

12 A Yes.

13 Q Where is he from?

14 A Montreal.

15 Q What does he do?

16 A He is Montreal Manager for Paterson
17 Steamships.

18 Q Were there any other members of your
19 Pilotage Committee there?

20 A I don't recall of any other members,
21 no. The others were not members.

22 Q You referred to the deep sea vessel the
23 ESKIMO?

24 A Yes.

25 Q Do you remember that in April 1962
26 there was a work stoppage by pilots in the St. Lawrence
27 River?

28 A I couldn't forget.

29 Q Is the ESKIMO the same ship that got
30 grounded just below Montreal?



1 A Yes, that is right. That is correct.

2 Q By trying to go down the river on its
3 own at that time?

4 A That is right, when there were no
5 buoys showing and lots of ice.

6 Q Did you have some of your own pilots
7 who were used in the kind of capacity as navigators or
8 pilots on boats, on your passenger ships?

9 A That is right, to advise the Master.

10 Q How many of them were there?

11 A Two.

12 Q What were their names?

13 A Armand Barthe and Germain Latour.

14 Q I understand these are two of the
15 people you employ in the Summertime on your passenger
16 ships cruising between Montreal and the Saguenay?

17 A That is correct.

18 Q And these ships plying between Montreal
19 and the Saguenay in the Summertime you have additional
20 personnel like that for navigating purposes?

21 A That is correct.

22 Q In practise would it be fair to say
23 that it is pilotage without the people having certifi-
24 cates as such or being registered as such?

25 A Not quite, because they don't have the
26 responsibility that one generally connects with a
27 licensed pilot. That is, the Officers and the Master
28 -- of course his responsibility as you know never ends.

29 Q Yes.

30 A But there is a shade of difference.



1 Q I see.

2 A It is hard to explain it. The Master
3 or one of the Officers is conning the ship and the
4 directions come through him to the wheelsman.

5 Q Sure.

6 A Really these fellows are very good. I
7 am not saying they are not good. They are extremely
8 good.

9 Q I hope so.

10 A But one has to -- many of your pilots
11 now were in that capacity so you should know, or your
12 Committee should know exactly what they do. You shouldn't
13 really be asking me.

14 Q Well, if you want to tell me you don't
15 know what they do we can leave it out.

16 A These ships, we have got to have nota-
17 tion of every point where every buoy is passed. Simply
18 has got to be. There has got to be continuity of this,
19 and they are doing that. Some vessels below Quebec
20 don't carry them sometimes.

21 Q You mean to tell me that they are not
22 giving advice to the Mates as to the direction of the
23 ship?

24 A Oh, yes. Yes, that is right.

25 Q And you employ different ones between
26 Montreal and Quebec and Quebec and below?

27 A We do. Correction there. We have two
28 that we use in both areas.

29 Q They operate so many hours each; on
30 that basis?



1 A No, we might switch them. We might
2 switch one of these two persons from the Upper River
3 to the Lower River.

4 Q In that capacity you employ people like
5 Mr. Lafleur between Montreal and Quebec?

6 A Oh, yes, Joe Lafleur is retired now.

7 Q Roland Barras?

8 A He is one of our finest men. He is
9 now a Lower River pilot.

10 Q Antoine Pouliot?

11 A Antoine Pouliot.

12 Q Rene Lamarre?

13 A Yes, they are all extremely able men.
14 We are very happy to have them with us.

15 Q These ships are plying the River from
16 what period to what period?

17 A From about the middle of June to the
18 middle of September.

19 Q How many of them are there, three?

20 A Three, yes.

21 Q Are they all three going to be in op-
22 eration this year?

23 A Yes, despite the fact we lose money on
24 them.

25 Q This is a story we heard before from
26 many other ship Companies. Now, you also said that in
27 the old days your canalliers were doing a large number of
28 trips down the Gulf, and I think you said your Officers
29 have considerable experience below Montreal, we will say?

30 A Yes.



1 Q Do you remember how many trips these
2 ships used to make a year below Montreal?

3 A Below Montreal?

4 Q Let us say the Gulf.

5 A In the Gulf, no; it would be purely a
6 guess, Mr. Lalonde. Some ships would be making a great
7 many. It depended on the trade. One year we would have
8 the pulp contract and the next year one of our competi-
9 tors would steal it and they would have it so our ships
10 wouldn't be running down there.

11 Q Yes. I submit to you that your package
12 freighters were hardly going down below Montreal; the
13 canaller type?

14 A Lately, but only lately. You know,
15 they used to be running down to -- these people are still
16 sailing as Masters. They used to run down to Quebec.
17 They used to run down to Arvida and to Chicoutimi. In
18 fact some of you fellows were happy to go on there when
19 you were apprentices to learn on the Saguenay River be-
20 cause you rarely went up -- I am talking about pilots
21 now -- rarely went up, and would be very happy to jump
22 aboard our ships.

23 Many times I have been happy to take
24 three or four apprentices with me to Chicoutimi to show
25 them the river.

26 Q That would be before 1940?

27 A Before 1940. We are really obliging,
28 Mr. Lalonde.

29 Q I understand you have a good reputation
30 in that respect. Those ships in the pulpwood trade, for



1 instance, let us say it was a good year; they would
2 take pulpwood from where to where?

3 A They would take pulpwood from places
4 on the Saguenay River, Sacre Coeur, Baggotville or from
5 way down at Lachine. Cap Chat. Upriver ports, there
6 is St. Simeon.

7 Q Yes, but that is the place it was
8 taken from?

9 A The origin, yes.

10 Q To where?

11 A To ports on the lake -- from Three
12 Rivers up. On the Welland Canal, to Welland.

13 Q Generally I understand they were mainly
14 taking pulpwood from those ports you mentioned to the
15 Lakes, to the Great Lakes ports. Would that be a more
16 frequent occurrence, a more general practise?

17 A I think that would be correct. Probably
18 2 to 1 up the Lakes, and the other would be Three Rivers,
19 Wayagamac and so forth we used to go to in those days.

20 Q Do they carry cargoes back?

21 A No, unfortunately we were not fortunate
22 enough to take cargo back.

23

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1 English.

2 So you can work that out.

3 THE CHAIRMAN: How was it last year?

4 THE WITNESS: Last year was very good,
5 my Lord, but I do not know how many. I did not ---

6 THE CHAIRMAN: Did they do those two
7 trips per week?

8 THE WITNESS: Yes, my Lord.

9 THE CHAIRMAN: For how many weeks, about?

10 THE WITNESS: They were running for
11 eight months last year. If Mr. Lalonde is really
12 wanting to get that exactly, I will.

13 MR. LALONDE: It is not that I want
14 that exactly, but you say last year they did how
15 many trips? 60 roughly, is that it?

16 A No. You are trying to get me to say
17 last year, but I did not. I said I hope this year.

18 Q I see, but you said last year they did
19 it twice a week?

20 A Yes, about twice a week.

21 Q When you say a trip, it is a round
22 trip?

23 A It is a round trip, yes.

24 Q That means up and down is one trip?

25 A Yes, that is right, one trip. They
26 make two of those.

27 Q Two of those for eight months?

28 A For eight months, yes.

29 Q That is about 32 weeks, let us say?

30 A Yes.



1 English.

2 Q I think you mentioned that at sheds
3 62 and 63 your ships had, I think you said, an average
4 of 65 trips?

5 A We hope they will, yes.

6 Q You hope they will?

7 A Yes.

8 Q I am sorry; I though you said they
9 were making 65 trips a year.

10 A I think I said that I hoped they would
11 this year.

12 Q I may very well have misheard you.

13 A But give or take five, I would say 60.

14 Q That is what you hope you will get?

15 A Yes.

16 Q You are referring then to what?

17 A To specifically the riverboats.

18 Q The ENGLISH RIVER and FRENCH RIVER ships
19 These are the two ships trading between Hamilton and
20 Montreal?

21 A That is correct.

22 Q With packaged freight?

23 A Yes.

24 Q Really the milk run between these two
25 ports; is that right?

26 A Yes, that is right.

27 Q I submit to you you never had a year up
28 to now where they did make 65 trips?

29 A I did not check, but they make about
30 2 trips a week and we expect to run for eight months.



1 Q That would be 64 round trips?

2 A Yes, round trips.

3 Q Which would mean?

4 A 128 passages into that dock. You are
5 making it look worse now.

6 Q I am showing you a record here taken
7 from the number of passages of the ENGLISH RIVER and
8 the FRENCH RIVER -- 63 in St. Lambert.

9 A Yes.

10 Q That includes ups and downs?

11 A Yes.

12 Q 79 for the E and 81 for the
13 FRENCH RIVER?

14 A This is last year. I would not contest
15 that. I said I hoped, you know. Even so I will submit
16 that 81 times in there is a lot of times into that shed,
17 is it not?

18 Q I submit that it is 40 times there be-
19 cause this is in and out. You cannot count it as
20 separate.

21 A 40, all right; 80 is a lot of times in
22 and out.

23 Q You are pretty far off beam when you
24 say 128.

25 A Not from my hopes, no. I think my
26 hopes are not at all optimistic.

27 Q These are the only two ships doing
28 this kind of trade for your Company?

29 A Not the only two ships going in there,
30 but the only two ships running...



1 Q On this regular basis?

2 A On the regular basis. The Forts do
3 come in.

4 Q Is it not a fact that your Company
5 is the only Company operating a service as regular as
6 this one for package freights?

7 A I think that is a fact, yes.

8 Q Do you know for yourself that the
9 ENGLISH RIVER and the FRENCH RIVER are the only two
10 ships at the present time doing that type of trading on
11 such a regular basis between Montreal and the Lakes?

12 A Would you phrase that by saying "as
13 frequently"?

14 Q Well ...

15 A Because we have others that will be
16 running into there and running into there quite frequently,
17 but not as frequently as the Rivers.

18 Q When you say "quite frequently" after
19 your estimates for last year I would not dare to ask
20 you to put a figure on it.

21 Q My question was, do you know of any
22 other lake companies having a regular service on the
23 basis of the FRENCH RIVER and the ENGLISH RIVER?

24 A No, I do not know of any other lake
25 companies, no.

26 Q How long did it take in the old days
27 for a ship for a round trip, let us say, between some-
28 where in the Saguenay River, the pulpwood, to -- what
29 places do you say on the Lakes; Welland?

30 A Yes.



1 Q These old canalers?

2 A Oh, gosh, it might take ten days.

3 Q That would be a round trip, ten days?

4 A No.

5 Q A one-way trip?

6 A Yes. You know, Mr. Lalonde, that is
7 an estimate. You may come up with some figures showing
8 that that ship did it in seven days or fourteen. I am
9 just estimating.

10 Q You were yourself, I believe, a
11 Master aboard a C.S.L. passenger?

12 A Yes, that is correct.

13 Q That is the Saguenay River trip
14 between Montreal and the Saguenay River?

15 A That is correct.

16 Q For how many years were you aboard
17 these ships?

18 A From 1928. As Master?

19 Q Or officer.

20 A From 1928 until 1954, with the ex-
21 ception that I was one year in the office.

22 Q So I understand that all your ex-
23 perience yourself on the St. Lawrence River was aboard
24 these passenger ships?

25 A Oh, no.

26 Q Well, that is my question.

27 A Well, your understanding is not
28 correct.

29 Q Well, excuse me; carry on.

30 A No. I used to do a considerable



1 amount of sailing master's jobs.

2 Q Before 1928?

3 A Oh, no.

4 Q In the meantime?

5 A Yes, in the meantime.

6 Q Between trips on the Saguenay?

7 A Not between -- before going on to
8 the passenger ships and after leaving the passenger
9 ships in the Spring and the Fall.

10 THE CHAIRMAN: The passenger ships
11 are starting about what time of the year?

12 THE WITNESS: About the middle of
13 June.

14 THE CHAIRMAN: From June until?

15 THE WITNESS: Until the middle of
16 September.

17 MR. LALONDE: Thank you.

18 THE CHAIRMAN: We will now adjourn
19 until two-thirty.

20 ---LUNCHEON ADJOURNMENT
21
22
23
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30



1 ---UPON RESUMING AT 2:30 P.M.

2 CROSS-EXAMINATION BY MR. BRISSET:

3 Q. Captain, you have spoken of discussions
4 that took place within your Navigation Committee with
5 respect to recommended courses in the Lower River and
6 told us that the general concensus was that this might
7 not be a good thing down river, but you rather thought
8 that traffic control would serve a better purpose. Am
9 I putting it correctly?

10 A. Not quite correctly.

11 Q. Would you please correct me then?

12 A. The separate courses that I was
13 discussing that I did not quite agree with were the
14 separate courses that had been proposed in the region
15 of Ile De Coudre. But I think too traffic control (a
16 personal opinion) would be perhaps preferable to separate
17 courses when viewed as north channel and south channel.

18 Q. Were there any other areas apart from
19 the area of Ileaux Coudre which were discussed as areas
20 where recommended separate courses would be of benefit
21 to shipping in the Lower River?

22 A. In the Lower River, no, no. This has
23 not come under the discussion of the Navigation Committee.

24 Q. You are of course aware, Captain, that
25 in the Lower River or in the River St. Lawrence below
26 Montreal where the international rules of the road
27 apply, there is one rule which says that in narrow channels
28 ships should keep to their starboard end of the channel?

29 A. Yes.

30 Q. Before this Commission views have been



1 English

2 aired as to what was the centre of the channel. In
3 particular we have had witnesses here who have stated
4 that they did not agree with the charts issued by the
5 Canadian government showing as a dotted line the centre
6 line of the channel. We were told that this line was
7 not in fact always the centre of the navigable channel.

8 Keeping this in mind, would you think
9 that there would be benefit in making it a rule that the
10 line shown on the charts distributed to mariners is in
11 fact the centre line of the channel and the ships in
12 compliance with rule 25 of the rules of the road should
13 keep to their respective sides of that line?

14 A. No, I do not think it would be wise
15 to make it a rule that the ship should keep to that side
16 of whatever pecked line may be shown on the chart,
17 because there is a great difference of opinion as to
18 where that pecked line should be. Presently it is
19 placed without reference -- I think, I believe it is
20 placed without reference to any pilotage committee
21 or to any committee of navigators. I think it was put
22 on there by the hydrographic staff without consultation
23 with a navigator.

24 Even if it were placed there in
25 consultation with a navigation committee I still think
26 it would be a dangerous procedure to make a rule that
27 might result in a vessel being condemned if it were one
28 side or the other of that line, because conditions
29 will change making it necessary for a vessel to perhaps
30 through weather or tide edge a little further away from



1 English

2 what may be deemed to be her own starboard side.

3 Complicated, isn't it? But that is as
4 near as I can say. I hope I have made myself clear.

5 Q. In other words, would it be fair to
6 say that in your opinion a mariner should not rely on
7 the pecked line shown on the charts as indicating
8 absolutely the centre line of the channel so as to
9 guide him as to where he should keep his vessel?

10 A. Yes. I do not think he should be
11 guided by the pecked line as to where he should keep
12 his vessel. No, I do not think he should.

13 I have in mind the pecked line that
14 runs from the centre of Quebec harbour down to Havre
15 St. Petronille. To take that as the centre of the
16 channel, one could be very wrong. That is my opinion
17 and I think that opinion would be borne out by my
18 friends in the pilotage District.

19 Q. However, would you agree with me that ---

20 THE WITNESS: Mr. Lalonde doubts whether
21 I have any friends, but ---

22 Q. Would you agree with me then that this
23 pecked line shown on the charts that are presently
24 issued to mariners may create confusion? Take the case
25 of a Master who is not aware of what you have told us
26 and who would be inclined to rely on the indications shown
27 on the chart. Would you not think that this is then
28 somewhat confusing for mariners to have this pecked line
29 on the charts?

30 A. I could see where it might be confusing



1 English

2 to an uninformed mariner.

3 Q. You mean a mariner who has not been
4 here before and who relies on what is given to him by
5 the authority?

6 A. Yes.

7 Q. In other words, looking at the chart
8 he sees that the authority tells him by means of this
9 pecked line that this is the centre line of the channel?

10 A. Yes.

11 Q. And you say you should not rely on that?

12 A. No, that is correct.

13 THE CHAIRMAN: Could I sum it up this
14 way? Where you say that the rule is that a ship could
15 use the whole of the available channel, the burden is
16 put upon him to use extra care and caution should he
17 be on the port side of it and meet a vessel on the
18 starboard side, the custom being the other way around --
19 he should keep to the starboard side of the pecked line
20 and he should meet on the port side another ship coming?

21 THE WITNESS: He should pass the other
22 ship on his port side.

23 THE CHAIRMAN: That is right; but he
24 can use all the available water. But should he do
25 something else than that the burden is upon him to take
26 extra care and caution?

27 THE WITNESS: Quite; that is correct,
28 sir.

29 Q. Now, Captain, do some of your ships
30 that trade to the East Coast or to Newfoundland use at



1 English

2 times Belle Isle Straits?

3 A. Not ships trading to Newfoundland but
4 ships trading into the Continent do.

5 Q. They do?

6 A. Yes, they do. The ESKIMO and the FORT
7 CHAMBLY both have used it when the FORT CHAMBLY was used
8 overseas.

9 Q. They would use Belle Isle Straits when
10 the season is --

11 A. When it is available.

12 Q. It is far enough advanced?

13 A. Yes.

14 Q. Have the Masters of your ships that
15 use this Belle Isle Straits had any difficulty even on
16 the first time they were there?

17 A. They have not expressed to me any
18 difficulty. They are all equipped with Decca and then
19 the change was in operation and they have all got two
20 radars.

21 Q. In other words, you would not recommend
22 one of your Masters, using Belle Isle Straits for the
23 first time, should have a pilot with him?

24 A. Good Heavens, no.

25 Q. Even though there are icebergs and at
26 times considerable traffic?

27 A. I don't know of any pilot who could
28 push away icebergs.

29 Q. You have to get around them at least,
30 don't you?



1 English

2 A. Yes, but they are generally immovable
3 objects.

4 Q. Anyway you would not recommend that?

5 A. No.

6 Q. Pilots for the Belle Isle Straits?

7 A. No.

8 Q. Unless your Masters have made two trips
9 there?

10 A. Pardon me, I didn't get that?

11 Q. I said you would not recommend that
12 pilots be put on board your ships going to the Belle Isle
13 Straits if the Master has not made two trips there?

14 A. Oh, no.

15 Q. In other words, you consider Belle
16 Isle Straits open waters?

17 A. Yes. I hesitated then because I
18 wasn't sure how much ice was in there.

19 Q. When it is open?

20 A. That is right.

21 Q. Not in the winter?

22 A. No.

23 Q. Then, these three passenger vessels
24 which your company operates are known as Saguenay Cruise
25 ships, are they?

26 A. Yes, sir.

27 Q. You do not carry pilots on these?

28 A. No, not in the accepted term of pilot.

29 Q. You will accept them as a passenger?

30 A. The vessels?



1 English

2 Q. On these vessels you would take a
3 pilot as a passenger?

4 A. Oh, yes, we would take a pilot as a
5 passenger, I think, if he paid his fare.

6 Q. In other words, you would not pay the
7 pilot for the cruise?

8 A. No. We have never done that.

9 Q. You realize you are luckier than the
10 ocean ships on the open waters of the Great Lakes?

11 A. We do and we appreciate our luck.

12 MR. BRISSET: My Lord, during the
13 examination of Monsieur Cardin, I put some questions
14 to the witness that had to do with assumptions as to
15 what the daily demurrage rate was on a vessel of the
16 large or super Upper Lake vessel and a vessel of the
17 Canaler size and I had asked him to assume that in the
18 case of the Canaler the daily rate was \$750.00 and in
19 the case of the super Upper Laker it was, I believe,
20 \$3,000.00.

21 Unfortunately, the transcript is not
22 here and I do not recall these figures. I would like,
23 if I may, although this does not arise out of the
24 cross-examination, to have these figures confirmed.

25 THE CHAIRMAN: That is all right.

26 Q. Captain, would you be able to tell us
27 what would be generally speaking -- I am not referring
28 to your company -- but generally the daily demurrage
29 rate say last season of a vessel of a size of a Canaler?
30 What would you consider to be the daily revenue of such a



1 English

2 ship in the trade?

3 A. Oh --

4 Q. Very roughly. I had quoted, if I
5 may, a figure of \$750.00 during the course of the
6 evidence. According to you experience, is this figure
7 right, wrong, or what?

8 A. The figure --

9 MR. MAHONEY: My Lord, this is not
10 precisely an objection to the question but I think
11 perhaps it should be pointed out that Captain Bodensieck
12 is on the operating end of his company rather than on
13 the accounting end. I think the question may be some-
14 what embarrassing for him.

15 MR. LALONDE: And unfair.

16 MR. MAHONEY: And a little bit unfair
17 as well. Perhaps he can answer it or should try to
18 attempt to answer it. In that case I have no objection.

19 THE CHAIRMAN: We will leave that up
20 to the witness.

21 MR. BRISSET: I want you to be quite
22 sure to tell me whether you can give me the figure or
23 you cannot.

24 THE WITNESS: I would prefer, My Lord,
25 if I may, to leave that and it could be presented later
26 when I have consulted with my superiors.

27 MR. BRISSET: Thank you. I will be
28 quite satisfied. Could we file it as a document or
29 just furnish the figures?

30 THE CHAIRMAN: I think he had better



1 English

2 furnish a letter because there may be some questions
3 to find out exactly what is meant by the value of the
4 day.

5 MR. BRISSET: What we call the demurrage
6 rate is what the ship will normally bring in when she
7 is employed that will cover the cost of operation,
8 victualing, depreciation, insurance and the crew's
9 wages.

10 MR. MAHONEY: Actually, My Lord --

11 THE CHAIRMAN: That is why I said
12 it should be given in a letter.

13 MR. MAHONEY: If I may speak to that
14 document, My Lord. I think perhaps we are maybe getting
15 a little bit off the track in a sense that it was
16 Mr. Brisset who originally raised this point by saying
17 what any particular demurrage rate was. The onus
18 seems to be being placed on my client to provide this
19 information and it seems to me the onus is on Mr. Brisset.

20 THE CHAIRMAN: I see you are not
21 very much interested in demurrage because you don't
22 use pilots.

23 MR. MAHONEY: Simply as a technical
24 matter I thought if it was his point, he should provide
25 the information.

26 MR. BRISSET: I am trying to do so
27 from the witness. We shall leave it aside for the
28 moment.

29 THE CHAIRMAN: There is one question
30 for my own information. They may have some difficulty



1 English

2 in that they do not want to have those figures before
3 the Commission.

4 MR. LALONDE: My Lord, I have already
5 produced for the Commission, as you may know, the
6 figures which were given before the Norris Commission
7 by Mr. Cate, who was the auditor or the internal auditor
8 of Upper Lakes for their ships and this has been filed
9 as an Exhibit.

10 THE CHAIRMAN: Have you studied that?

11 MR. BRISSET: No, I have not.

12 THE CHAIRMAN: Maybe if you look at
13 that you might be satisfied for the purposes of the
14 evidence you wish.

15 MR. BRISSET: Q. Captain, there are
16 only two other questions I wish to ask you relating
17 to this.

18 Can you give us any estimate of the
19 time consumed by a super upper laker proceeding from
20 Fort William, the Twin Ports, Fort William and Port
21 Arthur to Baie Comeau on a normal voyage? How long
22 would it take?

23 A. About six days.

24 Q. How long would a vessel of the canaler
25 type take for the same voyage? From Port Arthur, Fort
26 William down to Baie Comeau?

27 A. Probably nearly eight days. Of course,
28 this all depends on the traffic and --

29 Q. I realize that.

30 A. This is an approximation.



1 English

2 Q. I want an average.

3 A. Yes.

4 THE CHAIRMAN: This is, I take it,
5 considering a vessel would not stop in the Canals during
6 the night?

7 THE WITNESS: Yes, quite, My Lord.
8 A normal passage.

9 THE CHAIRMAN: Because I thought before
10 they used to anchor at night between Kingston and
11 Montreal?

12 THE WITNESS: Some of the ocean ships
13 used to, My Lord, and they may still do. I am not
14 quite sure of that but ours do not, only when the buoy,
15 the gas buoys are not down.

16 MR. BRISSET: When the aids to navigation
17 are installed, lake vessels proceeding through from the
18 Head of the Lakes downriver to Baie Comeau will travel
19 at night, will they?

20 A. Yes

21 Q. Even if they take no pilot?

22 A. Yes, that is right, do not stop.

23 MR. BRISSET: Thank you, Captain.

24
25 CROSS-EXAMINATION BY MR. LANGLOIS:

26 Q. Captain, this morning you made mention
27 of an experiment that you are going to make this coming
28 season with the MURRAY BAY between Sorel and the St.
29 Pierre run?

30 A. Yes.



1 English

2 Q. If I understood you correctly you
3 said after one season the Masters of that ship will be
4 capable of doing his own pilotage. Is that correct?

5 A. I do not think that is exactly what
6 I said. I said that with the officers, the Captain and
7 officers, having had a season or two -- and I think I
8 even said a "season or two", it is reasonable to expect
9 that they could do their own piloting. There is a
10 little bit of difference there.

11 Q. Let us say if you put it that way.
12 After two such seasons would you leave your Master free
13 to take or not to take a pilot in the Districts
14 concerned between Sorel and Les Escoumains?

15 A. Between Sorel and Les Escoumains,
16 provided he had a well trained and experienced staff
17 of officers, yes.

18 Q. Would that be also the case in the
19 early spring and late fall when the aids to navigation
20 are not all in place?

21 A. Yes.

22 MR. JACQUES: The answer is "Yes".

23 Q. How could you then this morning give
24 as an excuse for the grounding of the ESKIMO that the
25 buoys were not all down?

26 A. Yes, very easily. That is very easily
27 explained. Those fellows on that ship had never
28 travelled in that District when the buoys were up.

29 Q. To whom are you referring?

30 A. I am referring to the men on that ship,



1 English

2 all of them.

3 MR. LALONDE: All of them?

4 THE WITNESS: Yes. Now, don't forget
5 this MURRAY BAY would normally have operated after
6 a season or two. She would normally have operated
7 throughout the season from beginning to end.

8 Q. But is it not a fact that at the very
9 spot where the ESKIMO grounded did not require all the
10 buoys to be down nor to have given any indication
11 in the channel?

12 A. No, if you will recall I said there
13 was a buoy out of place and ice in the River, and
14 considerable ice. That vessel was going down terribly
15 slow because of the ice and it was a combination of the
16 buoy and the ice. She really got set on to that shoal.
17 There were excellent ranges on the stern, as you well
18 know.

19 Q. And very clear weather?

20 A. Very clear weather, that is right.
21 There was no reason --

22 Q. Is it not a fact that the reason for
23 the grounding was because there was one buoy out of
24 position and your pilots or your personnel -- because
25 it was out of position and they didn't make it and that
26 is why they went aground?

27 A. No, no. It was a combination of the
28 two. To be quite fair about this, I am not saying that
29 our men never make mistakes. They do.

30 The only thing about it, when our men



1 English

2 make mistakes, we are in the happy position to be able,
3 if necessary, take means so that the mistake does not
4 happen again or where mistakes happen, after, we are
5 in the happy position of being able to take some form
6 of, shall we say, punishment. That is a hard word but --

7 MR. LALONDE: You are a hard man.

8 A. I think that will fill the bill. Whilst
9 with the pilots, and please do not mistake me -- if
10 the pilot makes a mistake, he is human, we as owners
11 and employers have no recourse as regards any punishment
12 that might be handed out to them. Now, we don't want
13 to crucify any pilot or anyone else, but at least we
14 should know what is being done. Sometimes we never
15 know what is being done in the form of punishment.

16 Q. You agree with me that mistakes
17 sometimes are the result of lack of knowledge?

18 A. Yes.

19 Q. So it was not only a question of weather
20 or ice or conditions. There was also human error in
21 that case?

22 A. I suppose 90% of the accidents are
23 human error.

24 Certainly all of those that have happened
25 in Montreal harbour have been. We have had no mechanical
26 breakdowns that would cause strandings.

27 Q. You mentioned this morning a ship
28 that was involved in a collision, the TRITONICA. Can
29 you tell us how long the Master of that ship had been
30 on that laker run when the accident occurred? I am



1 English

2 referring, of course, to the collision with the ROONAGH
3 HEAD.

4 A. No, from memory I couldn't tell you
5 correctly now.

6 Q. Is it not a fact that he had been on
7 this run for two seasons?

8 A. That is not a matter of fact.

9 Q. How long would you say?

10 A. I can tell you that he was on that
11 season and that was the first season he was on. How
12 many runs he had made, my memory does not serve me
13 well enough to answer that.

14

15

16

17

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1 Q How many trips was he making a week?

2 A He was taking about five days for a
3 round trip. We were not operating that ship. It was
4 being operated by Sutcliffe Shipping.

5 MR. LANGLOIS: At any rate, My Lord,
6 I think it has been agreed that unless there is a mistake
7 in the file the formal enquiry would form part of this
8 Commission.

9 THE CHAIRMAN: A number was given to
10 it.

11 Q You mentioned, Captain, this morning
12 also this question of having separate courses below
13 Ile aux Coudres?

14 A Yes.

15 Q I would like to have your opinion on
16 the advantages, if any, of having a channel dredged south
17 of Ile aux Coudres from, say, Cap Maillard and have
18 one-way traffic, south downbound traffic --a lane for
19 downbound traffic south of Ile aux Coudres and one for
20 upbound traffic north of Ile aux Coudres?

21 What would be your opinion of this?

22 A Very good. It used to be that way.

23 Q I don't know if you --

24 A We used to go north and south of Ile
25 aux Coudre.

26 Q Yes, but I am not referring, Captain,
27 to the south channel as it existed.

28 A I beg your pardon.

29 Q I am referring to this proposed
30 dredging of the channel.



1 A Yes.
2 Q From Cap Maillard down?
3 A From Cap Maillard.
4 Q South of Ile aux Coudres?
5 A Yes.
6 Q Do you know about this channel?
7 A Yes, it would be even better if you
8 continued it further up.

9 Q Farther down, you mean?
10 A No.
11 Q From Cap Maillard?
12 A If you went beyond Cap
13 Maillard with your twin channels, it would be even
14 better.

15 Q South of Ile aux Coudres?
16 A Yes.
17 Q You would be in favour of such a
18 dredged channel?

19 A Yes.

20 MR. LANGLOIS: Thank you, Captain.

21 CROSS-EXAMINATION BY MR. JACQUES:

22
23 Q Do you know how many years' experi-
24 ence the pilots on the ROONAGH HEAD and the TRITONICA had?

25 A No.

26 Q You don't know whether it was their
27 first or second season?

28 A No.

29 Q You sailed on the Great Lakes as
30 sailing Master; is that right?



1 A On the Great Lakes as sailing Master
2 is not quite correct.

3 Q Did you sail on the Great Lakes?

4 A Yes, sir. When I was up on the Great
5 Lakes, I would be Mate.

6 Q Mate?

7 A Yes.

8 Q As Mate did you have occasion to
9 handle the ship in restricted waters?

10 A Oh, yes.

11 Q In the rivers?

12 A Yes.

13 Q Did you sail through the Straits of
14 Makinac?

15 A No, I have not.

16 Q You have not?

17 A No. When we say "Great Lakes" I
18 should exclude that lake, Lake Michigan.

19 Q You had occasion to sail between
20 Montreal and Kingston?

21 A Yes.

22 Q And do the rivers between Montreal
23 and Kingston?

24 A Yes.

25 Q You also sailed east of Montreal?

26 A Yes.

27 Q Did you handle your own ship in pilot-
28 age waters east of Montreal?

29 A In pilotage waters east of Montreal,
30 yes.



1 Q Can you tell us of the difference
2 between the techniques required to handle the ship in
3 the rivers between Kingston and Montreal and in the
4 Lower St. Lawrence? Is there any difference in the
5 technique employed or the skill required to handle the
6 ships?

7 A No, they both demand good seamanship;
8 good seamanship and knowledge.

9 Q Local knowledge?

10 A Local knowledge. If you have that,
11 that is sufficient.

12 Q But the seamanship is the same?

13 A Quite.

14 Q The mariners you employ as pilots or
15 as so-called pilots, would they do the docking of the
16 ships?

17 A No. May I correct this? There are
18 occasions when they might, but very, very seldom.
19 Mostly the Master would do it, or probably a Mate.

20 Q There is one more question. Basing
21 yourself on your experience as a salt water seaman, and
22 having sailed on the Lakes, would you be of the opinion
23 that the average Master with the certificate and ex-
24 perience they usually have would be in a position to
25 sail the open lakes without any assistance?

26 A Yes, providing that he had knowledge
27 of the inland rules of the road, which he should have.

28 MR. JACQUES: Thank you.

29 THE CHAIRMAN: Captain, you spoke
30 mainly of the lakers Masters.



1 THE WITNESS: Yes, sir.

2 THE CHAIRMAN: Do you know whether
3 there is any difference of attitude between the Master
4 of a laker and Master of an ocean-going vessel when in
5 confined waters? In other words, all you have said
6 about conning of the ship, docking --

7 THE WITNESS: Yes.

8 THE CHAIRMAN: And piloting and so
9 on by your Masters and so on, would that apply to the
10 ocean-going as far as you know?

11 THE WITNESS: An ocean-going Master
12 -- I am speaking generally, My Lord, having been both
13 -- an ocean-going Master is not as adept at handling a
14 vessel as a lake Master or a river Master by virtue of
15 the fact that he does not do it as often. It is not
16 because he doesn't have the knowledge; it is because he
17 does not get the practise.

18 THE CHAIRMAN: Thank you.

19 MR. LANGLOIS: You don't believe in
20 the dictum that the coastal man is lost when he loses
21 the land and the deep sea man is lost when he sees the
22 land?

23 THE WITNESS: Not quite, but I will
24 agree that a deep seaman worries when he is near shore
25 and a lake man worries when he can't see shore. There
26 is a modicum of truth in that.

27
28 CROSS-EXAMINATION BY MR. LALONDE:

29 Q Do I understand you to say in answer
30 to a question of Mr. Jacques that you do not feel that



1 the rule requiring two trips by deep sea ship on the
2 open lakes before they would be given a B certificate
3 -- I don't remember the beginning of the question now
4 -- but that rule should be done away with.

5 A Requiring the two trips?

6 Q Yes. Do you think it should be main-
7 tained or done away with?

8 A I think the two-trip requirement
9 could well be done away with, Mr. Lalonde, but I do
10 think there should be an examination of the vessel
11 personnel, bridge personnel, making quite sure that
12 they are familiar with inland rules and regulations.

13 Q Now, as to the --

14 A Can I add a little more?

15 Q Yes, please go on.

16 A I do think at the time that was
17 brought in, that was at the time when the United States
18 Government was trying to pass a Bill.

19 MR. BRISSET: 7515.

20 THE WITNESS: 1715, was it not?

21 This was the least of two evils, and because of that we
22 gave it our support. When I say "we" I mean the inland

23 --

24 BY MR. LALONDE: Q You are speaking
25 as a member of the Shipping Federation of Canada?

26 A I am speaking as a member of the
27 Dominion Marine Association.

28 Q Are you not also a member of the
29 Shipping Federation of Canada?

30 A Yes.



1 Q I see.

2 A You appear surprised, but you really
3 are not.

4 Q You didn't change hats while you
5 were answering?

6 A No, that hat fitted in both cases.

7 Q When you were answering Mr. Jacques
8 about navigating below Montreal or east of Montreal,
9 did you mean to say that tidal currents and tides had
10 no effect or no problem; had no bearing on seamanship
11 or navigating?

12 A Oh, of course, they are a problem
13 but they would be solved just as well as they are solved
14 in the St. Mary's River or the Soo. There is a ter-
15 rific current when you come out of the Soo, isn't
16 there?

17 Q I was referring to tidal effect and
18 changes.

19 A Tidal effects, yes. No, I think we
20 must admit that should present no problem to a seaman.

21 Q You referred to five incidents in
22 the Harbour of Montreal with ships owned by your
23 Company. Would you mind giving me the names of the
24 ships involved?

25 A In Montreal?

26 Q Yes, in Montreal Harbour.

27 A The WEYBURN, the THUNDER BAY, the
28 BAY ST. PAUL. I am including the entrance to the Seaway.

29 Q Yes.

30 A And there is one other that escapes



1 me. I think it was one of the Forts. I think it is
2 FORT CHAMBLY, but I am not too sure of that. The large
3 damage of course was sustained by the THUNDER BAY.

4 Q I submit to you you have given to me
5 only four names?

6 A Yes.

7 Q So it is not five incidents or six?

8 A Yes. We have another that is a
9 small one, but I just can't recall the name of the ship,
10 but we can find that. It was a touch and go thing.
11 The amount of damage I couldn't say.

12 Q How far back did you go with those
13 four incidents, the last four or five years?

14 A Yes, since the Seaway was opened.
15 Then of course there is one in the Harbour of Quebec
16 that was a very costly affair. In all these instances,
17 My Lord, I am not criticising the pilots in every in-
18 stance. In one instance I know there were mitigating
19 circumstances, but the result of any enquiry -- the re-
20 sult of any enquiry that may have been held concerning
21 this accident was never revealed to us as employers of
22 the pilots. That I think should have been done.

23 Q Did you ever ask for that information?

24 A Oh, yes.

25 Q You were never told that the pilots,
26 for instance, would have been suspended in Montreal
27 Harbour?

28 A Once we were told he was suspended,
29 but I was not told why or what the circumstances were
30 that prompted the suspension, other than the vessel was



1 ashore.

2 THE CHAIRMAN: Were you present at
3 those enquiries?

4 THE WITNESS: No, My Lord, I wasn't.
5 By law I think I am not entitled to attend those en-
6 quiries.

7 THE CHAIRMAN: That was not an en-
8 quiry as far as the accident was concerned, but an en-
9 quiry as to the pilot's conduct I suppose?

10 THE WITNESS: I think it is what is
11 termed a preliminary enquiry.

12 THE CHAIRMAN: Held by whom?

13 THE WITNESS: By the Department of
14 Transport's representative.

15 MR. LANGLOIS: I should correct this.
16 In all of the enquiries of this nature that I have at-
17 tended, and I have attended quite a few in the last few
18 years, representatives of the ships involved have always
19 been welcomed to the hearings, and even in some cases
20 took part in the questioning of the witnesses through,
21 of course, the presiding Officer of that enquiry.

22 BY MR. LALONDE: Q Isn't it a fact
23 you had been invited for the THUNDER BAY enquiry?

24 A I don't recall that.

25 Q And you had people in attendance?

26 A If this is so I don't recall it, but
27 I particularly have in mind the WEYBURN. The THUNDER
28 BAY I am not at all sure, and I stand corrected on that,
29 My Lord.

30 MR. LANGLOIS: The only exception to



1 this rule has been when it was a case of a collision
2 and counsel or representatives of the other ship were
3 not allowed to attend when the crew members of the other
4 ship involved were questioned, and rightly so, and vice
5 versa.

6 COMMISSIONER SMITH: Are all of your
7 ships equipped with radar sets?

8 THE WITNESS: Yes, sir.

9 COMMISSIONER SMITH: All of them?

10 THE WITNESS: Yes, all of them.
11 Some with two sets.

12 THE CHAIRMAN: Would you explain why
13 two sets?

14 THE WITNESS: In case one breaks
15 down, My Lord, and one or two vessels on certain trades,
16 we have equipped them with a -- it is termed a river
17 type radar. That is very effective on short range.

18 THE CHAIRMAN: Closer range?

19 THE WITNESS: Closer range, yes.

20 COMMISSIONER SMITH: What is your
21 opinion, Captain, about the present landing boom system
22 on your ships or any other ships? Have you any decided
23 opinion on that question?

24 THE WITNESS: No, sir, other than it
25 works very well. I can recall of no incident involving
26 an accident to a man using that.

27 I can recall one accident where they
28 didn't use it, and the rope pulled a man on the dock in
29 the water; but we have equipped our ships with larger
30 and stronger booms, and we take every safety precaution



1 possible.

2 Our men are sent over, as you may
3 have noticed, with safety belts on. I think it is a
4 most practical thing, and it certainly works.

5 COMMISSIONER SMITH: What about the
6 linesmen?

7 THE WITNESS: That would depend on
8 the efficiency of the linesman. You know your man who
9 you are swinging overboard by a boom is efficient;
10 otherwise you wouldn't swing him out, but I don't think
11 there is a pilot in this room that at one time or an-
12 other wouldn't say that he had quietly cussed a lines-
13 man for missing a line.

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1 English

2 And in the Seaway, sir, you would have
3 to have an awful lot of linesmen. If you have one ship
4 coming to the lower wall and another ship coming to
5 the upper wall and at the same time this is happening
6 it is quite conceivable that one ship would be moving
7 into the lock, the place would have to be alive with
8 linesmen to do the job. We have had our shipyards
9 and C.S.L. have looked into this matter of powering
10 a landing boom with electric winches. The result has
11 been that we have come up with the answer that we are
12 better doing it the way we do it because the proof of
13 the pudding is in the eating. There have just been no
14 accidents that I can recall.

15 COMMISSIONER SMITH: The Commission
16 saw that operation and the opinion was that it looked
17 rather antiquated to us and somewhat dangerous. There
18 has been some evidence before this Commission that it
19 is not just as safe as it might be. In fact I think
20 there was some evidence given that crews of some of the
21 ocean ships refused to use it.

22 THE WITNESS: That could be possible,
23 sir, with those who have not been brought up to that
24 way of doing things, but I can honestly say I have never
25 heard any objection from any of the lake crews on that.

26 COMMISSIONER SMITH: Thank you, Captain.

27 MR. LALONDE: Obviously on this whole
28 matter of landing booms you were talking all the time
29 about lake ships?

30 THE WITNESS: Oh, yes.



1 English

2 MR. BRISSET: Have you had any
3 difficulty with your ESKIMO as far as landing men is
4 concerned?

5 THE WITNESS: No, we have not. As you
6 know, there are very few places where they will permit
7 us because of the longshoremen's regulations and unions
8 to use landing booms. But where we are permitted to use
9 them we use them. But the crew of the ESKIMO are lake
10 trained as well as ocean trained.

11 MR. BRISSET: Are any of your ships
12 equipped with television circuits, with a television
13 screen at the bow?

14 THE WITNESS: No. We have looked into
15 that and as yet we do not think it warrants the instal-
16 lation. We would if we were to build a ship with all
17 accommodations and bridge right out, a large ship, larger
18 than the present FORT ST. LOUIS. We certainly would look
19 into it then with an eye to possibly installing it.

20 But I do not think, My Lord, there is
21 anything that is in the nature of a safety measure that
22 we would hesitate to install.

23 MR. LANGLOIS: You have every safety
24 measure except for pilotage.

25 THE WITNESS: May I reply?

26 THE CHAIRMAN: Yes.

27 THE WITNESS: Pilotage where the Master
28 and his officers have not the local knowledge that is
29 necessary to safely conduct his ship, then by Jove we
30 will use pilots.



1 English

2 MR. LANGLOIS: You do not believe in
3 such cases a pilot would be an added safety measure?

4 THE WITNESS: You know, Mr. Langlois,
5 you can eat too many chocolates and be sick.

6 THE CHAIRMAN: Are there any further
7 questions of Captain Bodensieck?

8 Thank you, Captain.

9 (The Witness withdrew).

10 MR. MAHONEY: My Lord, I would like
11 to call Captain Angus.

12 CAPTAIN ROBERT BRUCE ANGUS, Sworn

13 THE CHAIRMAN: Your full name?

14 THE WITNESS: Robert Bruce Angus.

15 THE CHAIRMAN: Your age?

16 THE WITNESS: Seventy-two.

17 THE CHAIRMAN: Occupation?

18 THE WITNESS: Retired.

19 THE CHAIRMAN: Address?

20 THE WITNESS: 29 Kirk Bradden Road,
21 Toronto.

22
23 DIRECT EXAMINATION BY MR. MAHONEY:

24 Q. Captain Angus, how long have you been
25 retired?

26 A. Six years.

27 Q. Before retiring what was your occupation?

28 A. Operator Manager, Upper Lakes Steamships.

29 Q. And at that time was Upper Lakes Shipping
30 a member of Dominion Marine Association?



1 English

2 A. They were, yes.

3 Q. Around that time were you an official
4 of the Dominion Marine Association?

5 A. Part of the time, yes.

6 Q. What position did you occupy?

7 A. Shore Captains' Committee for a while
8 and then President of Dominion Marine for a while --
9 Vice-President once and then President.

10 Q. Captain Angus, how many years were
11 you employed by Upper Lakes Shipping?

12 A. About 32.

13 Q. How old is Upper Lakes Shipping Limited?

14 A. In 1931 it commenced.

15 Q. Were you employed when the company was
16 actually formed?

17 A. That is right, yes. I am a little wrong
18 in the time -- 32 years. I started with them in 1931
19 when the company was formed.

20 Q. You were Master of their first ship?

21 A. That is right, yes.

22 Q. How long have you sailed ships on the
23 Great Lakes, Captain Angus?

24 A. Well, you mean as Master?

25 Q. Yes.

26 A. From 1923 until 1934.

27 Q. Before that as mate did you sail on
28 the Great Lakes also?

29 A. That is right, for about 20 years.

30 Q. Where did you start sailing ships, Captain



1 English

2 Angus? Where did you start your career at sea?

3 A. Apprentice on a sailing ship.

4 Q. British?

5 A. British ship, yes.

6 Q. How did you happen to come to the

7 Great Lakes area to sail here?

8 A. Well, I spent three years as an
9 apprentice on a British ship and then I decided I should
10 come home. I have lived in this country, of course,
11 naturally. I am a native of it; and I came back
12 home thinking I would like to be up here a little better
13 than I did there, to begin here for a while.

14 As a matter of fact I first joined
15 the Toronto Police Force. I did not care for that --
16 too much walking. So I went back to the Lakes and
17 started in as a wheelsman on some of the steamers and
18 rode up from there.

19 Q. I am sorry; I have forgotten; you
20 did say when you sailed your first ship as Master on
21 the Lakes?

22 A. 1923.

23 Q. 1923. Around that time, Captain Angus,
24 were separate courses used on the Great Lakes?

25 A. No.

26 Q. What is your first recollection of the
27 use of separate courses on the Lakes?

28 A. You asked a question there a minute
29 ago as to were they used at that time and I said No.

30 Q. 1923?



1 English

2 A. No; they were in use in 1923.

3 Q. What is your first recollection?

4 A. About 1920.

5 Q. Do you recall any of the circumstances
6 that led to their being brought in to use on the Lakes?

7 A. Well, collisions and what not in foggy
8 weather, boats coming from one place crossing each
9 other and so on. They were first put in force on
10 Lake Huron and then followed by Lake Superior. They
11 have since then gone to all the Lakes and worked out
12 very successfully.

13 Q. Was there a marked difference in the
14 accident rate in the year or so after?

15 A. Considerably, yes.

16 Q. Considerable?

17 A. Considerably.

18 Q. In those days in the early 1920's,
19 can you recall, Captain Angus, who first or what group
20 first suggested or used separate courses or suggested
21 their use?

22 A. The Shore Captains' Committee and the
23 Lake Carriers Association.

24 Q. That is the American Lake Carriers
25 Association?

26 A. That is right.

27 Q. How long was it before that was taken
28 up by Dominion Marine so that it was a joint effort?

29 A. When Dominion Marine was reorganized
30 they took it up at that time.



1 English

2 Q. Even before that when these were
3 first instituted by the Lake Carriers Association, do
4 you recall when the separate courses were first printed
5 on the charts?

6 A. I cannot recall that definitely but
7 I would say somewhere around 1920 -- between 1920 and
8 1925 when they first came out -- only on some charts,
9 you know; that is, some that were in effect.

10 Actually it was not or is not yet,
11 I do not believe, a government order. The Coast Guard
12 picks it up and uses it, but the Lake Carriers Association
13 is the instigator and I think they carry it through on
14 all their boats and all the Lakes.

15 Q. Do you recall the wording that is on
16 the present day charts? Is it "Recommended by Dominion
17 Marine Association and Lake Carriers Association"?

18 A. I believe it is, yes.

19 Q. In other words, although it is printed
20 on a government chart it is still not official?

21 A. No, it is not official, I do not think,
22 anywhere at all. I think it is between the two
23 organizations that have built it up.

24 Q. In your experience with the Navigation
25 Committee and the Shore Captains' Committee of Dominion
26 Marine Association, do you recall having actually worked
27 on these separate courses, on the decisions that were
28 made as to how they should be laid out?

29 A. Yes, on some of them. The Dominion
30 Marine and the Lake Carriers worked together in Cleveland,



1 English

2 two or three times, to my knowledge. I could not say
3 exactly when.

4 Q. Do you recall whether it was a simple
5 job to lay out these courses, or whether it required
6 a great deal of discussion and thought for a decision
7 as to just how they should be done?

8 A. It took quite a lot of thought and
9 decision on the part of experienced Masters. It was
10 all done by them on both sides.

11 Q. And then, I take it, adopted by the
12 Associations officially after the work was done by the
13 Masters?

14 A. That is right.

15 Q. Would you be in favour, Captain Angus,
16 of making the following of such courses mandatory or
17 obligatory?

18 A. I would.

19 Q. Perhaps I am putting the question
20 a little wrongly. First, is the separate course
21 regarded as a track that the vessel follows or as a
22 limit of approach to another course?

23 A. A limit of approach. From a safety
24 standpoint it should be used at all times -- of course,
25 weather permitting. At times in heavy weather in the
26 fall and ice and snow storms you cannot always do it;
27 but normally, yes.

28 Q. The idea, then, as I understand you
29 have explained it, is to follow as closely along the
30 line as you can?



1 English

2 A. That is right.

3 Q. And that line is the practical limit
4 of approach to the other course?

5 A. That is true, yes.

6 Q. Have you had practical sailing experience,
7 Captain Angus, in the Lower St. Lawrence River and the
8 Gulf of the St. Lawrence?

9 A. Some.

10 Q. Would you feel that separate courses
11 could work efficiently in that area?

12 A. I do not see why they would not,
13 if they are worked out properly, of course, from, say,
14 the Saguenay down. I do not know about above the
15 Saguenay. I do not think you could. You are in the
16 River; you are in the River channels. But from the
17 Saguenay down I do not see why they could not do the
18 same as they are on the Upper Lakes, the Great Lakes.

19 Q. Through your work on the Navigation
20 Committee of the Dominion Marine Association, Captain
21 Angus, do you consider that the work of that Association
22 has made a material contribution to the improvement of
23 the safety record on the Great Lakes?

24 A. I believe it has, yes.

25 Q. Do you feel that it is easier to
26 navigate the Great Lakes now in recent years as compared
27 with your early sailing days on the Lakes?

28 A. It sure is.

29 Q. In what way? Are the channels wider?

30 A. The channels are wider; the channels



1 English

2 are better marked. You have radar and what-have-you
3 and direction finders and all that sort of thing. Before
4 we had nothing.

5 Q. This is even aside from improvements
6 in the ships themselves?

7 A. That is right.

8 Q. Would you say that the people who are
9 most responsible for bringing about those improvements
10 and recommending them and carrying them through were
11 the sailing Masters themselves?

12 A. Through their recommendations, yes.

13 Q. Captain Angus, do you believe that
14 the mates of the Great Lakes ships should be able to
15 handle the navigation of their ship in the Rivers? I
16 am thinking particularly of the St. Lawrence, not
17 only between Montreal and Kingston, but below Montreal
18 as well. That is, without regard to pilotage, should
19 the mate be as familiar with the operation of the ship
20 in those channels as the Master?

21 A. To a point he should be, yes.

22 Q. Would you say that that is true to
23 perhaps slightly lessening degrees as you go down the
24 scale of mates?

25 A. It would be, yes.

26 Q. Do you think that a real effort is being
27 made today to train people to do those tasks?

28 A. In some firms I believe it is.

29 Q. Do you feel that in future years that
30 the -- if you can call it education of the mates in that



1 English

2 respect will be increased even more than it is now?

3 A. It will have to be because the men,
4 the speed that they are going on these big boats right
5 now, the hours they are putting in and so on, I think
6 they will have to either increase the men or increase
7 their education because they will not last long.

8 Q. You feel that ships today are requiring
9 a more thoroughly educated -- to use the word in its
10 broad sense -- educated man in the operation of the
11 ship and knowledge of the channel?

12 A. That is, he should have a foundation
13 that will enable him to learn all these things more
14 quickly than he used to.

15 MR. MAHONEY: Thank you. I have no
16 further questions.

17

18 CROSS-EXAMINATION BY MR. LALONDE:

19 Q. Do I understand you well, Captain Angus,
20 in saying that you stopped sailing in 1934?

21 A. That is right, yes.

22 Q. You had been in the administrative
23 aspect of the company after that period?

24 A. Yes.

25 Q. To your knowledge have there ever been
26 any light dues or other dues of the same type as are
27 paid, let us say, in certain countries in Europe,
28 imposed upon the lake ships or various ships in the
29 Great Lakes?

30 A. You mean harbour dues, light dues and



1 English

2 what have you?

3 Q. That type of thing.

4 A. Yes, there is. On the lakes there
5 are light dues and harbour dues.

6 Q. You have light dues?

7 A. And harbour dues.

8 Q. I knew you had harbour dues. I didn't
9 know you had light dues.

10 A. Yes, lighthouse dues.

11 Q. They still had them when you left
12 the company in 1958?

13 A. Yes.

14 Q. Are these dues imposed both in Canada
15 and the United States on the Great Lakes, as far as
16 you know?

17 A. They are, yes.

18 MR. LALONDE: Thank you.

19 MR. JACQUES: No questions, My Lord.

20 MR. BRISSET: No questions, My Lord.

21 MR. MAHONEY: Thank you, Captain.

22 THE CHAIRMAN: We will adjourn now
23 for a few minutes.

24 ---ADJOURNMENT AT 3:40 P.M.

25 ---UPON RESUMING AT 4:00 P.M.

26 MR. MAHONEY: My Lord, I have no
27 further witnesses to call. I did want to clarify a
28 point on discussion with my friend, Mr. Lalonde, about
29 the question which he asked of Captain Angus. I think
30 perhaps there was some slight misunderstanding. He



1 English
2 referred to lighthouse dues and I think we are agreed
3 amongst counsel that lighthouse dues are not payable
4 on the Lakes. Captain Angus was thinking of tonnage
5 taxes, which are payable in harbours in addition to
6 harbour dues. There is a tonnage tax payable. I
7 thought the record should be clarified to that extent.

8 THE CHAIRMAN: Thank you very much.

9 MR. LALONDE: Do I understand that
10 a tonnage tax is paid only in American harbours?

11 MR. MAHONEY: Yes, in American harbours.

12 THE CHAIRMAN: That was our impression,
13 that light dues were not now imposed.

14 MR. MAHONEY: That is correct, My Lord.

15 MR. LALONDE: Do I understand this
16 closes the evidence on behalf of the Dominion Marine
17 Association brief?

18 MR. MAHONEY: Yes. This will close
19 the evidence on the brief. As I mentioned at the
20 beginning of the day, we would like to file, at a later
21 stage, probably in Ottawa, a short supplementary
22 brief amplifying our recommendations, but this would
23 be in the nature of argument and we would not propose
24 to call evidence.

25 MR. LALONDE: My Lord, I understand
26 that the Commission will not proceed immediately with
27 the Shipping Federation brief and I have with me two
28 persons who could testify to certain minor matters.
29 I would like, if I may, ask that they be heard now.

30 THE CHAIRMAN: Yes, certainly.



1 English

2 MR. LALONDE: Captain Michel Dussault.

3
4 CAPTAIN MICHEL DUSSAULT, Sworn

5 THE CHAIRMAN: Your full name?

6 THE WITNESS: Michel Dussault.

7 THE CHAIRMAN: Your age, please?

8 THE WITNESS: 37.

9 THE CHAIRMAN: Your occupation?

10 THE WITNESS: Pilot in the Lower St.
11 Lawrence.

12 THE CHAIRMAN: And your home address?

13 THE WITNESS: 2081 Parc Gomin, Sillery,
14 Quebec.

15 DIRECT EXAMINATION BY MR. LALONDE:

16 Q. Captain Dussault, you have already
17 testified before this Commission in Quebec City and
18 in Chicoutimi. I do not think there is any necessity
19 of going into your antecedents. They are on the record.
20 There is, however, one point I would like to dwell upon
21 for a minute. I understand you were a sailing Master
22 for the Canada Steamship Lines for a while?

23 A. That is correct.

24 Q. Would you tell the Commission approxi-
25 mately what time that was and on board which ships
26 and what waters you were plying?

27 A. Well, this lasted for, oh, for something
28 like three seasons which would have been in 1955, 1956
29 and 1957. This was not permanent employment but
30 spasmodic I should say. I cannot recall exactly how



1 English

2 many trips or voyages I made in this capacity each
3 season. All I can remember is that one season, which
4 I believe it to be 1956, I made something like maybe
5 eight or nine trips. The other two seasons would be
6 maybe four or five. So altogether I made something
7 between 15 and 20 voyages for them in this capacity.

8 The waters plied were from Quebec
9 harbour down to the St. Lawrence River and Gulf Ports
10 and most -- I would say about 75% of the voyages would
11 terminate at Godbout on the north shore of the St.
12 Lawrence. I believe they were mostly in the pulpwood
13 trade except for one or two trips which was in bleach
14 pulp, that is sulphite.

15 Q. For the record, would you indicate
16 where approximately Godbout is?

17 A. Well, Godbout is on the north shore
18 of the St. Lawrence. It is now the terminal of the
19 ferry from Matane.

20 The easiest way to say that would be
21 to say opposite the north shore of the St. Lawrence,
22 opposite Matane, approximately. This is the easiest
23 way.

24 Q. It is below Seven Islands?

25 A. No, it is above. I would say it
26 lies just about halfway between ~~Bale~~ Comeau and Seven
27 Islands. That would be a rough approximation. It is
28 about 60 miles from Point de Moins.

29 Q. Now, these ships on which you were
30 acting as sailing Master, I understand they were ships



1 English

2 exempted from the compulsory payment of pilotage in
3 the Quebec District?

4 A. That is correct.

5 Q. What were the names of those ships,
6 do you remember?

7 A. The MATISSE was one. That is before
8 she was lengthened. At that time she was only Canal
9 size. She has been lengthened since. The IROQUOIS
10 was another one.

11 Q. I am showing you a list of ships of
12 the Canada Steamship Lines. I don't know whether you
13 would find the names of the ships concerned.

14 A. I believe the ELGIN, I believe, may
15 have been one. They were all the same class of
16 Canal size.

17 The only ones I remember for sure are
18 the IROQUOIS -- the GRAIN MOTOR, I remember again, would
19 have been another one.

20 Q. So you were not attached to one
21 particular ship all the time?

22 A. No, whichever one would require my
23 services.

24 I would usually be called two or three
25 days ahead at my home in Quebec and told to join such
26 and such a ship in Quebec and take over as sailing
27 Master from Quebec down to the terminal port in the
28 St. Lawrence, and bring her back to Quebec.

29 Q. You were signed on the Articles of
30 the ship as you boarded it?



1 English

2 A. That is correct.

3 Q. And signed off at the end of the trip?

4 A. That is right.

5 Q. During that period what were you doing,
6 apart from acting as sailing Master aboard these
7 exempted ships of the Canada Steamship Lines?

8 A. I was more or less just as an advisor
9 to the Captain. In practice --

10 Q. Excuse me. My question was: What were
11 you doing apart from being sailing Master? Were
12 you an apprentice pilot?

13 A. That is right. I was an apprentice
14 pilot in the Lower St. Lawrence River.

15 Q. What did you do aboard these ships
16 as sailing Master?

17 A. Well, navigation, whatever it was.
18 Pilotage, if you call it pilotage, I suppose, in
19 pilotage waters and coastal navigation outside of the
20 District.

21 I was just more or less navigating
22 the ship from Quebec down to wherever she was going
23 and bring her back again.

24 Q. Do you mean to say you were on the
25 bridge all the time, let us say, between Quebec and
26 Father Point or would you be replaced and put on a
27 straight watch basis of so many hours?

28 A. No. I think the best way to say it
29 is I was more or less on call throughout the whole of
30 the voyage. I would only be on a few minutes call. Even



1 English

2 in what is the pilotage waters, I might be down in
3 my cabin for an hour or so after giving whatever orders
4 or advice to the Captain, but the harder parts of the
5 River, I would be there myself conning the ship to
6 the other parts. The mate or Master himself may
7 take over for a while and the same thing would happen
8 even outside pilotage waters.

9 Q. When you were on the bridge did you
10 always have a mate with you or a Master with you?

11 A. The officers would be on the watch,
12 regularly on the watch just the same.

13 Q. When you would be conning the ship,
14 would you give the orders through the mates or directly?

15 A. No, it would be in the usual sense
16 when I would be conning, give my orders directly to
17 the wheelsman or helmsman.

18 Q. Are you able to give any reason why
19 you were employed in that capacity aboard ships which
20 do not require pilots, according to law?

21 A. Well, the Captain, I don't think,
22 ever gave me really a straight reason, say in the sense,
23 I suppose, to tell me I am specifically there for this
24 and that purpose but it is easy to see in many -- in
25 most instances the Masters were not familiar with the
26 Lower St. Lawrence. Some of them had not been down in
27 the Lower St. Lawrence for quite some time and on one
28 or two occasions some of the Masters had never been
29 in command on the Lower St. Lawrence. They had been
30 exclusively on the upper part in the Great Lakes trade.



1 English

2 MR. MAHONEY: My Lord, I am not
3 necessarily objecting as to that answer but I should
4 point out it represents a conclusion of the witness,
5 not direct evidence.

6 MR. LALONDE: My friend will certainly
7 be able to cross examine if he wants to but to help
8 things along --

9 Q. Have you yourself had knowledge of
10 Masters of your ships on which you were acting on board
11 who have not been in the District for quite a time before?

12 A. From the way they spoke, maybe they
13 have been once in the last two or three years but
14 certainly the fact is that they had not been, let us
15 say, trading in the Lower St. Lawrence.

16 I believe in one instance the Skipper
17 had been on one of the Collieries from the Great Lakes
18 down to the Canal for many years and then been trans-
19 ferred to this one vessel.

20 Q. You have been a pilot in the Quebec
21 District for some years. How long have you been a
22 pilot?

23 A. Since before 1958.

24 Q. During that time you have obviously
25 been called upon to pilot all kinds of ships?

26 A. That is correct.

27 Q. When you pilot a lake steamer, is there
28 any difference as to the duties you are called upon to
29 perform comparatively to the duties you are called upon
30 to perform aboard ocean-going ships?



1 English

2 A. No, I would say it is essentially the
3 same.

4 Q. What I mean: Do you notice, for
5 instance, that the Master or mate of these ships will
6 take over more often on board lake ships in your
7 District than ocean-going ships would do, or something
8 of that sort?

9 A. I don't think -- would you specify
10 what you mean by "take over"?

11 MR. JACQUES: Who would do the docking,
12 for instance?

13 MR. LALONDE: I am not talking about
14 docking. I am coming to that later.

15 I am talking about conning the ship
16 in the River itself?

17 A. Well, I have piloted all kinds of
18 ships. Many, as we call them, lakers. The Master has
19 never interfered in any way whatsoever.

20

21

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e

1 Q Is there any difference as to the
2 work you do completely aboard lakes ships compared to
3 ocean ships?

4 A None whatsoever.

5 Q Let's go to the point raised by my
6 friend Mr. Jacques. Have you been docking lake ships
7 since 1958 in your district?

8 A Well, docking of lakers in Quebec,
9 I believe that I have never docked a laker in Quebec
10 at the end of a trip; let's put it that way. If we are
11 going to ~~except~~ small canallers up in Chicoutimi, or
12 something like that.

13 Q Yes?

14 A On the other hand I have been called
15 upon as a pilot to play a part in movages in the limits
16 of Quebec Harbour. That is, to specifically do a job
17 manoeuvring a vessel from one berth to another.

18 Q When you do a movage like this in
19 Quebec Harbour, do you actually do the docking of lake
20 ships?

21 A Certainly.

22 Q I think you said you have never
23 docked a lake ship in Quebec Harbour at the end of a
24 trip. What do you mean exactly?

25 A Just never did pilot a laker which
26 would dock in Quebec at the end of a trip. They are
27 mostly all bound straight through Quebec Harbour. Very
28 few of them do dock in Quebec at the end of a trip, so
29 it is a very rare occasion in any case. Very few of
30 them have Quebec as their destination upbound, and



1 downbound of course they are out of our district.

2 Q Aboard lake ships in your district
3 do the Officers keep a regular watch, which I think we
4 were told is four on and eight off?

5 A Yes, they do.

6 Q That is the regular procedure which
7 is followed?

8 A That is right, we do.

9
10 CROSS-EXAMINATION BY MR. MAHONEY:

11 Q Captain Dussault, the trips which
12 you made as a sailing Master I think you said around
13 1955?

14 A They would span -- as I say, this
15 spasmodic employment would span 1955, 1956 and 1957
16 seasons. I might be wrong there, but that is approximate
17 inside those three seasons.

18 Q I am not quite clear from your ex-
19 planation, I would like you to clarify it for me. You
20 said these were ships generally which picked up cargoes
21 of pulpwood?

22 A That is correct.

23 Q Would they be ships where the vessels
24 were picking up some cargo in some ports and another
25 part of the same cargo in another port?

26 A No, we always picked up full cargo
27 at one port, which I mentioned Godbout. I mean I was
28 employed as sailing Master because I wasn't alone in
29 this; most of the ships that I was so employed on, we
30 went I would say in 75 percent of the cases in Godbout.



1 Q These were voyages from Quebec out-
2 side of the pilotage area?

3 A That is correct.

4 Q To a point inside the pilotage area?

5 A That is correct.

6 Q I suppose it is fair to say you were
7 employed by the Company because of your local knowledge
8 of that area; is that correct?

9 A That is correct.

10 Q You said so far as you knew some of
11 the Masters of those ships had not spent very much time
12 in the area?

13 A Yes.

14 Q You do know that?

15 A Yes.

16 Q But the point I was making and which
17 I wish to make to you now, Captain Dussault, aside
18 from that, you were not aware whether they had spent
19 much time or little time in the area; you don't know of
20 your own personal knowledge, do you, what their know-
21 ledge was of the River?

22 A No, sir. Of course not, sir.

23 MR. MAHONEY: Thank you.

24 MR. BRISSET: No questions.

25 MR. LANGLOIS: Just one question:

26 you have mentioned that you have acted as sailing
27 Master of C.S.L. ships going as far as Godbout. Have
28 you been going as Master of such vessels but not going
29 as far as Godbout; for example, up the Saguenay River?

30 THE WITNESS: Never to the Saguenay River. I am



1 not quite sure. It is some years ago on one occasion
2 I know that we docked in Murray Bay, but I can't quite
3 recall. It was maybe for part cargo or deck cargo or
4 something. On the way up or down only in this one in-
5 stance, and even then I am not too sure if that was the
6 terminal point or only a stop during the voyage.

7 MR. LANGLOIS: What about Forestville?

8 THE WITNESS: No, sir.

9
10 CROSS-EXAMINATION BY MR. JACQUES:

11 Q And when you were sailing Master did
12 you do docking and undocking of ships?

13 A Sometimes yes and sometimes no. I
14 mean on some of the vessels I would dock a ship even in
15 Godbout and that was part of the agreement of my work,
16 but at other times the Master would take the ship in
17 Godbout.

18 Q There was no rule as to who should
19 do it?

20 A No, sir. Of course the Master was
21 always in hand, I would say do you want me to dock it
22 and he would say yes or no. That was up to him to
23 decide.

24 Q When you started to act as sailing
25 Master of C.S.L. ships in 1955, how many years had you
26 been sailing up and down the River, St. Lawrence River?

27 A Well, I went to sea on the St.
28 Lawrence River in August, 1942, so you can see -- of
29 course, this was off and on. I was deep sea for some
30 years maybe coming into St. Lawrence only a very few



1 times a year.

2 On the other hand, since 1952 I had
3 been in the St. Lawrence continuously you could say on
4 trades which took me into the St. Lawrence very often.

5 Q Between 1952 and 1955 in what
6 capacity were you employed on the ship?

7 A Well, I was serving my apprentice-
8 ship as a matter of fact in the St. Lawrence in my
9 district. In those days apprenticeship was quite dif-
10 ferent. In between the apprenticeship I was serving as
11 either chief officer or I served even as Master, re-
12 lieving Master for some coasting Companies.

13 Q Between 1952 and 1955?

14 A 1952 to 1955 I was not serving as
15 Master; only as chief or second officer.

16 Q When did you start your apprentice-
17 ship?

18 A In 1952.

19 Q When you started to offer your
20 services or render services as sailing Master you had
21 been sailing up and down the River as an apprentice
22 for three years?

23 A That is right.

24 Q 1952, 1953 and 1954?

25 A That is right.

26 Q How many trips were you making each
27 season then?

28 A As apprentice?

29 Q As apprentice.

30 A I don't know. I would say maybe an



1 average of maybe 100 each season.

2 Q 100 each season?

3 A Yes.

4 MR. LANGLOIS: As Officer or as ap-
5 prentice?

6 THE WITNESS: As Officer I even made
7 some before 1952 because I was on the Coast before that
8 as Officer, and on ships where we did our own work.

9 MR. JACQUES: Thank you.

10 THE CHAIRMAN: Any further questions?

11 Thank you very much, Captain.

12 ---WITNESS RETIRES

13

14

15

CAPTAIN J.C. MARCHAND, sworn

16

17 THE CHAIRMAN: Your full name, please?

18 THE WITNESS: James C. Marchand.

19 THE CHAIRMAN: Age?

20 THE WITNESS: 52.

21 THE CHAIRMAN: Occupation?

22 THE WITNESS: Montreal Harbour Pilot.

23 THE CHAIRMAN: Home address?

24 THE WITNESS: 2075 Des Chenaux, Three
25 Rivers.

26

DIRECT EXAMINATION BY MR. LALONDE:

27

28 Q Captain Marchand, you have also
29 testified before this Commission, and I will not go into
30 your previous maritime experience. Reference is made



1 by Captain Bodensieck to two ships of Canada Steamship
2 Lines which have been very regular traders between
3 Hamilton and Montreal, and I refer to the ships called
4 ENGLISH RIVER and FRENCH RIVER.

5 Is it true that the only job you
6 have been doing on these ships has been drinking
7 coffee?

8 A Not very well.

9 Q Have you had an opportunity of
10 piloting these two ships in your experience?

11 A In many occasions.

12 Q On many occasions?

13 A Yes.

14 Q Where would you take those ships
15 normally when they would get into the District?

16 A Normally these ships, we are going
17 to shed 62, 63 and 65.

18 Q I understand you take these ships at
19 the St. Lambert Lock?

20 A We board them at St. Lambert and the
21 Captain hands over to us at the entrance to the Seaway.

22 Q Yes?

23 A The general practice is usually with
24 a laker, when we come out of the entrance of the Seaway
25 the Captain said "Pilot, it is all yours now. And the
26 engine goes half or slow. Now take it over until we
27 reach the dock." Some of the Masters when we get to
28 the dock have a line ashore then they might handle it
29 to finish the job alongside.

30 Q Let's leave out the general practice



1 and let us keep to these two ships in particular to
2 begin with? What happened in general practise with
3 regard to the FRENCH RIVER and the ENGLISH RIVER in your
4 experience?

5 A The FRENCH RIVER and ENGLISH RIVER,
6 well, every Spring they have a new Master on and some-
7 times during the Summer too the Master is taking a holi-
8 day and relieved by a new man. When we get up there --

9 Q By "up there" you mean?

10 A By shed 63. When we get close to
11 the dock, in position to the dock, the Captain will
12 dock it, but if he is a new man he won't dock it at all.
13 He don't want to. The opening of Shed 63 -- the FRENCH
14 RIVER and ENGLISH RIVER, their first trip, and the Master
15 didn't want to handle it at all.

16 Let the pilot handle it and dock it,
17 and until he had a few trips, then we get close to the
18 dock and he handled the ship alongside the dock.

19 Q So am I putting it correctly if I
20 say the regular Masters, let us say, of these two ships
21 will dock them when you get close to the dock?

22 A Yes.

23 Q Otherwise you will be doing the dock-
24 ing; is that correct?

25 A That is right.

26 Q These are two ships as we have seen
27 that come very often in the Montreal Harbour compared
28 to the other lake ships. What is the general practice
29 with regard to lake ships in general in Montreal Harbour
30 as far as docking is concerned?



1 A The general rule, the pilot docks
2 her. Like I say a while ago when you have a line a-
3 shore or something, about ten percent of them will
4 finish the job, to get her close to the dock and shift
5 the line the way they want.

6 Q That is 10 percent of the cases.
7 What about the other 90 percent?

8 A 90 percent they don't touch it at
9 all.

10 Q You mean --

11 A I do all the work from the entrance
12 to the Seaway; if we have to go down to the Harbour, to
13 turn and way up the Harbour, elevator 1 or elevator B
14 the Master never says anything. The pilot is giving
15 the instruction all the way to turn around, to handle
16 the engine, to go astern or go ahead, and the rudder
17 direction too.

18 Q In those instances that would apply
19 even when a line is ashore to the dock when you get
20 pretty close to docking?

21 A The case I referred to?

22 Q Yes.

23 A That is correct.

24 MR. LALONDE: Thank you.

25 MR. BRISSET: No questions, My Lord.

26 MR. JACQUES: No questions, My Lord .

27 THE CHAIRMAN: Captain Marchand,
28 thank you very much. Do you have any other witnesses?

29 ---WITNESS RETIRES
30



1 THE CHAIRMAN: As you all know, we
2 do not have any other witnesses for this week because
3 of various circumstances; first there was the Detroit
4 Hearing of the American authority which has not finished
5 or is supposed to be finished today; there were witnesses
6 of the Shipping Federation were supposed to be available,
7 and they are being held over there.

8 Also their officers are being called
9 in Ottawa on Thursday on some special request of the
10 Minister for some matters cropping up in Montreal, so
11 therefore they could not be available either on Thursday.

12 There are also other circumstances
13 that warrant the adjournment. We had planned, as you
14 know, to finish here this week, or if we were not able
15 to do that, we were supposed to come back on May 11.
16 Therefore we are going to adjourn until May 11 and then
17 we hope that in a week or ten days we should be able to
18 finish the hearings outside of Ottawa.

19 Then our plans, as we made them aware
20 to all of you, are that we should resume in Ottawa on
21 June 1st to finish up the enquiry as far as all the
22 pilotage area outside of St. Lawrence and the Great
23 Lakes are concerned. That means everything that was
24 left behind in all the other areas of the Maritimes and
25 the Pacific Coast will be heard in Ottawa from June 1st,
26 and also to take up matters with the Department as far
27 as that is concerned for that area.

28 We would like to close that far. The
29 lawyers, various counsel, who have appeared for the
30 Halifax people and so on, and Vancouver, will be called,



1 and if at all possible we are going to try to give
2 them dates so there will be no unnecessary waiting in
3 Ottawa.

4 Then as far as the St. Lawrence and
5 Great Lakes are concerned, this will be on September
6 14. Then we will have two or three weeks if necessary,
7 in order to dispose of this last part of the Enquiry,
8 and that should conclude the hearings as far as the
9 taking of evidence is concerned.

10 Then in October we will have the
11 pleadings, the arguments. At least, this is what we
12 plan today. The reason for the recess during the
13 Summer and the reason for the recess during the month
14 of May that we planned -- it is going to be the same
15 way because we are not sitting next week -- is to give
16 to all concerned time to have an opportunity to read
17 the evidence and to prepare for this last hearing.

18 As you know, we have quite a number
19 of volumes of transcript, and just the time to read
20 that, just the actual time to read them will take
21 weeks, and therefore this will employ our full Summer
22 months, and I hope to be ready for September; so this
23 is the situation.

24 MR. LANGLOIS: My Lord, in con-
25 nection with the tidying up of this session in Ottawa
26 for June for the other districts outside of St. Lawrence
27 and the Great Lakes, would there be an established pro-
28 cedure in order that nobody would be taken by surprise?

29 In this sense, My Lord, would we be
30 advised if, for example, somebody on the West Coast



1 wished to add to a brief already put in? Would the
2 other parties be advised so that we would be able to
3 know what to expect in advance and not be taken by
4 surprise?

5 THE CHAIRMAN: Yes.

6 MR. LANGLOIS: Would there be delays
7 to file additional briefs and so on?

8 THE CHAIRMAN: With regard to argu-
9 ment, of course, final argument, the final argument is
10 to be in October. With regard to adding new evidence,
11 of course anybody taken by surprise -- we will do our
12 utmost to give a fair chance to everybody. As you know,
13 that has been our practice so far and this is going to
14 be continued.

15 MR. LANGLOIS: I am not worrying about
16 the Commission, My Lord. I might wish to add to the
17 brief presented by the British Columbia pilots, for ex-
18 ample.

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1 English

2 I would like to know if I have to
3 give prior notice to the Commission and file in advance
4 copies of this additional brief and if this position
5 will apply to anybody else wishing to do the same for
6 the District?

7 THE CHAIRMAN: We are therefore going
8 to ask the Secretary to add something in his
9 advertisements that we should be informed as to whether
10 they would wish to add further evidence or to add to
11 their brief. If so, then this publication will be
12 given to those concerned.

13 As a matter of fact in the present
14 draft of this advertisement we have requested that
15 the various counsels contact in advance the
16 Secretary so that we can be appraised of what is going
17 to be heard and allot time. So this can be done at
18 the same time.

19 MR. JACQUES: And each and every
20 counsel who appears before the Commission will receive
21 apart from the notices, a letter asking him to
22 outline what he wants to do in Ottawa so we can make
23 the arrangements.

24 THE CHAIRMAN: That is right. In
25 addition to the notice in the paper a letter is going
26 to be written to each counsel that appears before this
27 Commission asking him to outline to our Secretary
28 what he intends to do so that we can plan as much as
29 possible those hearings.

30 Well, gentlemen, we thank you very much.



1 English

2 We will be seeing you back here, I
3 suppose in the same room here, on May 11th.

4

5 ---WHEREUPON THE HEARINGS WERE ADJOURNED UNTIL MONDAY,
6 THE 11th DAY OF MAY, 1964 AT 10:00 A.M. AT
7 TORONTO, ONTARIO.

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ROYAL COMMISSION

ON

PILOTAGE

HEARINGS

HELD AT

OTTAWA

VOLUME No.:

127

DATE:

JUNE 1, 1964

OFFICIAL REPORTERS

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ROYAL COMMISSION ON MARINE PILOTAGE

Proceedings of the hearing held
at the Tariff Board, Ottawa, Ontario,
commencing at 10:00 a.m., June 1st,
1964.

COMMISSION:

The Honourable Mr. Justice Bernier	Chairman
Robert K. Smith, Esq.	Member
Harold A. Renwick, Esq.	Member

---O---

Mr. Gilbert W. Nadeau	Secretary
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----O---

COMMISSION COUNSEL:

Mr. Maurice Jacques, Q.C.

---O---

APPEARANCES:

Mr. Leopold Langlois, Q.C. counsel for the
Canadian Merchant Service Guild, Inc.

Mr. R.R. Macgillivray, counsel for the
Department of Transport

---O---



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Captain F.S. Slocombe

Direct Examination by Mr. Jacques

16230



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1 ---On commencing at 10:00 o'clock a.m.

2 THE CHAIRMAN: Well, we are opening this
3 morning, I hope, the first part of the last chapter
4 of the Commission and seeing a few of you reminds us
5 that time flies very fast. We have met some of you
6 about a year ago and we are still sitting in the
7 work man's seat, but we have progressed very very
8 much so far, and normally if it had not been for one
9 little mishap we had in Toronto, that is the first
10 time, when our counsel was ill and we had to postpone
11 the hearings, otherwise our investigation would have
12 been finished by now.

13 We have about fifteen days to go to finish
14 the Toronto area and Great Lakes and we are starting
15 this morning the last part of our investigation which
16 means hearing the other party interested which is
17 involved in the facts of pilotage, and that is the
18 Department of Transport.

19 This part here in June will cover, as you
20 know, all the pilotage districts and all the pilotage
21 areas outside of the St. Lawrence and Great Lakes,
22 which is going to be covered on September 14th.

23 We hope you will be able to cover in these
24 two weeks here the other parts of the pilotage
25 districts. Now, we may proceed.

26 MR. JACQUES: My lord, I should like to
27 file first a series of P.C.'s containing the limits
28 of all the pilotage districts. There are eighteen
29 of them from Prince Edward Island to Goose Bay,
30 compiled by the Commission.



1 THE CHAIRMAN: As far as Saint John, New
2 Brunswick, is that a new one?

3 MR. JACQUES: That is a new one.

4 THE CHAIRMAN: You have been successful so
5 far as limiting your pilotage districts.

6 THE SECRETARY: My lord, may I be permitted
7 to make a correction of the numbering of the exhibits.
8 When we were in Toronto the last time the Commission
9 sat, we gave as the last number Exhibit 1143. Since
10 then there has been a consolidation of two exhibits
11 filed during that week of April 13th and the last
12 number of exhibits filed in Toronto now is 1142.
13 There has been a re-consolidation. It is now 1142
14 so the first exhibit here in Ottawa is 1143.

15 MR. JACQUES: Which is 1142?

16 THE SECRETARY: 1142 is described as a DOT
17 form, special agreement for seamen in home
18 trade, inland or minor waters.

19 The list you have before you is not in
20 accordance with what took place in Toronto at that
21 time. I am making the correction now.

22 MR. JACQUES: Exhibit 1143, Orders in Council,
23 pilotage district limits.

24 ---EXHIBIT NO. 1143: Orders in Council,
25 Pilotage District Limits.

26 THE CHAIRMAN: You may proceed.

27 CAPTAIN F.S. SLOCOMBE, sworn

28
29 DIRECT EXAMINATION BY MR. JACQUES:

30 Q. What is your occupation, sir?



1 A. I am the chief of the Nautical and
2 Pilotage District of the Department of Transport.

3 Q. How long have you been in that function?

4 A. In that particular function?

5 Q. Yes as chief of the Nautical and
6 Pilotage Division.

7 A. About 1952.

8 Q. For the last twelve years?

9 A. Yes.

10 Q. Prior to 1952 what did you do?

11 A. I was assistant to the Chief of the
12 Division. It was called then Assistant Supervisor of
13 Nautical Services.

14 Q. How long were you assistant supervisor?

15 A. Since 1946.

16 Q. For a total of six years?

17 A. About that.

18 Q. Prior to 1946 where were you employed?

19 A. I was the supervising Examiner of
20 Masters and Mates at Toronto.

21 Q. How long were you in that function?

22 A. Since 1937.

23 Q. Prior to 1937 what was your occupation?

24 A. I was running on the Great Lakes in
25 the summertime as an officer and teaching navigation
26 in the wintertime in a Nautical School attached to the
27 Vocational School of Owen Sound, Ontario.

28 Q. How long did you do that?

29 A. From the winter of 1930 - 1931.

30 Q. Do you hold any certificates?



1 A. I hold a Masters Foreign-going
2 certificate.

3 Q. Where was that obtained and when?

4 A. In Cardiff, Wales, in 1928.

5 Q. Would you tell us briefly about your
6 sea experience, both deep sea and lake.

7 A. I went to sea in 1919 as a deck boy on a
8 tramp steamship out of Cardiff. I put in my service
9 before the mast and in 1924 I obtained my second
10 mate's foreign-going certificate. I then put my
11 service in as an officer and second mate and first
12 mate or acting first mate for a short while and then
13 I obtained my master's foreign-going certificate.

14 My service then was, in all those years,
15 in all kinds of vessels from small coasters to
16 trans-Atlantic passenger ships -- at least one trans-
17 Atlantic passenger ship as an ordinary seaman. Then
18 in 1930 I came to Canada and went on the Great Lakes.

19 Q. As what?

20 A. This was, you will understand, depression
21 times and I started again as a deck hand.

22 Q. You had a master's certificate?

23 A. I had a master's foreign-going certificate
24 in my pocket. I found on the Great Lakes there were
25 people serving as wheelmen -- experienced masters
26 on the Great Lakes were serving as wheelmen so I
27 put a bundle of overalls into my arms and went and
28 asked for a job of any kind. I got a deck hand's job.
29 I was deck hand, watchman, wheelman, second mate and
30 first mate all in the first season on the Great Lakes.



1 The following six years I served on the
2 Great Lakes in various capacities, second mate most
3 of the time but first mate for part of the time.

4 Q. Were you ever in command of vessels?

5 A. Yes. During my period as Examiner
6 for Masters and Mates in Toronto, I was asked to command
7 a Canadian icebreaker the Montcalm, to deliver her
8 to the Russian government -- the Soviet government
9 at Mermansk in North Russia. This was in 1942. I
10 performed this function and came back and continued
11 my position in Toronto. That was 1942. In 1943 I
12 served in Churchill, Manitoba for the season of
13 navigation as Port Warden and pilot. I think that
14 is about my sea experience.

15 Q. Now, would you tell us briefly what
16 are your duties as the chief of Nautical and Pilotage
17 Division?

18 A. I am responsible to the Director of
19 Marine Regulations for the administration of this
20 Division, which comprises sections. The Pilotage
21 section, the Registry of Shipping section, the
22 Nautical Regulations section, the Nautical Examinations
23 section and the Registry of Seamen section.

24 Q. So if my arithmetic is right, that is
25 six sections?

26 A. Yes. The Registry of Seamen perhaps
27 may not be called a separate section. This might come
28 under the -- yes, this would come under the Nautical
29 Regulations Section.

30 Q. Now, what would be the percentage of



1 your time given to the administration of pilotage,
2 let us say, prior to the creation of the Commission?
3 Which was the busiest section?

4 A. Oh, pilotage, quite definitely.

5 Q. How much time would you give to
6 pilotage in a week or a month?

7 A. This is very difficult to assess because
8 I am sure it would be appreciated that Captain Jones
9 is the Superintendent of Pilotage as it is called now,
10 deals with the routine matters and deals with
11 everything that touches pilotage but I come into the
12 picture in anything that has to go to higher authority,
13 and, of course, Captain Jones discusses other matters
14 with me and anything he thinks may be a little
15 contentious, he always discusses with me.

16 I would say that more than half the time,
17 my time, was given to Pilotage.

18 Q. Now, with the administration of all the
19 other sections do you find that this administration
20 interferes with the duties as Chief of the Pilotage
21 Section?

22 A. Chief of the Nautical and Pilotage
23 Division?

24 Q. Yes. Would your work in the other
25 sections prevent you from giving as much time as you
26 wish you could or as you should to pilotage?

27 A. Oh no, not as long as we have the staff
28 that we have in pilotage. Captain Jones is a
29 competent superintendent which means that I do not have
30 to deal all the time with pilotage so I wouldn't say



1 that it interferes unduly with the -- I am sorry --
2 was it the other part interferes with pilotage ---

3 Q. Yes, that is right.

4 A. No, not necessarily at all.

5 Q. How many men have you under you in the
6 Pilotage section?

7 A. There are five in Ottawa.

8 Q. Would you give their functions, please?

9 A. Captain Jones, of course, is the
10 superintendent. He is in charge of the section.
11 Captain Seeley, who works under Captain Jones, is
12 directed by him. Then we have Captain Atkins and
13 Mr. Kennedy. Mr. Kennedy is an accountant. Captain
14 Atkins looks after the work on the pilot boats,
15 reporting to Captain Seeley and Captain Jones.

16 Q. Who is the fifth one?

17 A. I am sorry. We have Captain Catinus,
18 who is attached to the pilotage section, who is the
19 Investigations Officer.

20 THE CHAIRMAN: So that makes six?

21 THE WITNESS: No, I think that is five, sir.

22 MR. LANGLOIS: You are not indicating
23 supervisors?

24 THE WITNESS: No, Jones, Seeley, Atkins,
25 Catinus and Kennedy, that is five.

26 MR. JACQUES, Q: Five in Ottawa?

27 A. That is five men in Ottawa, yes.

28 Q. We gathered from the evidence in Montreal
29 that Captain Gendron, when he was in the employ of
30 the Department had a particular function. He was the



1 investigating officer, I believe, located in Ottawa?

2 A. This is the position which Captain Catinus now
3 holds.

4 Q. There was no time when both Captain
5 Gendron and Captain Catinus were employed by the
6 Department?

7 A. Yes. At that time Captain Catinus
8 was regional Superintendent in Montreal.

9 Q. He had no duties with respect to
10 investigation of casualties?

11 A. As regional Superintendent he would be
12 first on the scene.

13 Q. He was not the investigations officer?

14 A. No, except other than he would be
15 told or asked to go and find out about an accident.

16 THE CHAIRMAN: Just to avoid any confusion
17 on the record, when we sat in Montreal a few months
18 ago, was Captain Catinus employed in the same capacity
19 as he is now?

20 THE WITNESS: No, sir. He was then
21 Regional Superintendent in Montreal.

22 MR. JACQUES, Q: He was later promoted
23 investigations officer when Captain Gendron retired.
24 Is that correct?

25 A. Since Captain Gendron retired.

26 Q. Is that complete establishment? You
27 must have a staff of secretaries?

28 A. Oh no. There are three stenographers
29 and a lady clerk. That is four ladies altogether.
30 I am sorry, there is -- I am afraid I did not prepare



1 for this.

2 THE CHAIRMAN: Yes, I thought that this was
3 going in later and that you would bring the
4 establishment and so on.

5 THE WITNESS: If I may suggest, Mr. Jacques,
6 it would be very simple for me to bring a chart
7 showing the whole structure of the pilotage section.
8 This might be useful.

9 MR. JACQUES, Q: Would you do that, please?

10 A. Yes. It will save me a lot of time
11 to remember.

12 Q. I am instructed that Captain Atkins
13 has acted as investigation officer; is that correct?

14 A. Well, any of the master mariners in
15 the Division might have acted as an investigation
16 officer, but there was a space between the retirement
17 of Captain Gendron and the appointment of Captain
18 Catinus, as there always is between two positions,
19 between the vacating of a position and the filling
20 of it.

21 Captain Atkins has acted as investigations
22 officer in that respect. But any of our officers
23 might be told to go and hold a preliminary inquiry
24 into a casualty.

25 Q. When you bring the schema or the
26 chart -- anyway, your chart?

27 A. Organization chart.

28 Q. Organization chart; would you state
29 the experience of each of the five captains that you
30 have mentioned -- Jones, Seeley, Atkins, Catinus,



1 Gendron and Kennedy?

2 A. Kennedy is an accountant.

3 Q. Their experience both in the Department
4 and at sea differentiating experience at sea and
5 experience on the Lakes with certificates, if any.

6 COMMISSIONER SMITH: My lord, in connection
7 with the providing of the establishment by Captain
8 Slocombe it might be helpful to the Commission to
9 have the complete amount of money voted by Parliament
10 broken down into the divisions or sections in which
11 the money is allocated -- or perhaps that would come
12 under some other witness? But I think we should
13 have it.

14 MR. JACQUES: We have someone working on
15 that, sir.

16 COMMISSIONER SMITH: Thank you.

17 THE WITNESS: This can be provided in any
18 case if it is needed.

19 THE CHAIRMAN: Your establishment or
20 organization chart is going to show where you come
21 in the Department -- where you fit into the Department?

22 THE WITNESS: Yes, sir, this can be done.
23 I was thinking particularly of the pilotage part now,
24 but we also have this fitted into a general chart
25 of the Department.

26 THE CHAIRMAN: Yes. I understand the
27 authorities, the Minister and the Deputy Minister --
28 the pilotage authority ---

29 THE WITNESS: Yes, sir?

30 THE CHAIRMAN: This group you mentioned are



1 directly responsible to the Minister, I suppose, being
2 the authority?

3 THE WITNESS: Yes. I report to the Director
4 of Marine Regulations. The Director of Marine
5 Regulations reports to the Assistant Deputy Minister,
6 who reports to the Deputy Minister, and the Deputy
7 Minister to the Minister.

8 THE CHAIRMAN: That is the totem pole that
9 we heard about.

10 MR. LANGLOIS: My lord, when the Commission
11 is provided with the appropriations for the operation
12 of the pilotage branch are we going to get also the
13 appropriations going to the law branch, because
14 the law branch of the Department does quite a bit
15 of work for the pilotage branch and that should be
16 included into the overall cost of the administration
17 of the pilotage branch.

18 MR. JACQUES: I must confess I had not
19 thought of that one, but we will make sure that is
20 included.

21 THE CHAIRMAN: I think Mr. Langlois is
22 quite knowledgeable of that because he was the
23 Parliamentary Assistant for that Department before.
24 So I think when we adjourn you should get together
25 with Captain Slocombe and have documents as complete
26 as possible so that you are not obliged later on
27 to go back and have them completed. You will get
28 together at the adjournment.

29 MR. JACQUES: Moreover Mr. Langlois knows
30 the exact amount of time spent by the Department of



1 lawyers on pilotage matters.

2 THE SECRETARY: In this connection, my lord,
3 I wonder if the Commission would also request the
4 Department to give the figures not only for 1963 but
5 the figures that are available for the last three
6 years so that we have an indication of the trend
7 in changes in cost.

8 THE CHAIRMAN: Well, you will get them
9 yourself.

10 THE SECRETARY: Thank you.

11 MR. JACQUES, Q: Now, Captain Slocombe,
12 we shall first deal with local commissions. You have
13 been provided with a list of subjects on which the
14 Commission should like to examine the Department.
15 The list starts with the local commission -- the
16 creation of local commissions.

17 In your time has a local commission been
18 created by the Governor-in-Council under Sections 324
19 and 325 of the Act?

20 A. The only district which has been formed
21 in the last thirty years, as far as I can find out,
22 under a local commission has been that of Sheet
23 Harbour which was formed by Order-in-Council P.C. 3075
24 on December 8th, 1938.

25 Q. Yes, and who initiated the procedure
26 for the creation of this district?

27 A. This was as a result of representations
28 made by the Member of Parliament at that time
29 following requests by a considerable number of local
30 residents.



1 Q. And these local residents, would you
2 know what their sphere of activities would be? Were
3 they merchants, importers, exporters, mariners or
4 fishermen?

5 A. I cannot say that at the moment, but
6 they would be local people. They must have been
7 people in contact with shipping.

8 Q. And all told from the first request that
9 you had from local people to the creation of the
10 district how long did it take?

11 A. I do not know.

12 COMMISSIONER SMITH: While we are on the
13 question of the establishment and the recommendation
14 of these commissions, what is the procedure with
15 regard to the cancellation of a commission? For
16 instance, there has been one since our Commission
17 started in Parrsboro, Nova Scotia, where the
18 Commission was abolished or cancelled.

19 THE CHAIRMAN: I think it was before.

20 THE WITNESS: Yes, it was before, Mr. Smith.
21 We have that in another question, if you would
22 care to --- I have a document to file here that
23 shows just when this was done.

24 COMMISSIONER SMITH: Thank you very much.

25 MR. JACQUES, Q: Now with respect to the
26 creation of Sheet Harbour as a district, how long
27 did the procedure take before it eventually became
28 a district? Was it a matter of years or a matter of
29 months?

30 A. Oh, I think months in that case. It



1 would be just a matter of correspondence back and
2 forth.

3 Q. Would you check on that and give us
4 the approximate length of time during which negotiations
5 took place for the creation of that district?

6 THE CHAIRMAN: We would be interested in
7 knowing what kind of negotiations were being carried
8 out -- what kind and what are the requirements.

9 THE WITNESS: Well, this would be the reason
10 for the setting up of a commission or local authority.

11 THE CHAIRMAN: On the Member of Parliament's
12 recommendation?

13 THE WITNESS: Yes. The reason for the
14 setting up of a pilotage authority is that it is
15 requested by local people.

16 THE CHAIRMAN: By local people?

17 THE WITNESS: Yes.

18 THE CHAIRMAN: And there is a need for it?

19 THE WITNESS: And there must be a need.
20 The Department has usually resisted the setting up of
21 pilotage districts unless the strongest representations
22 are made through residents, local citizens, and
23 supported by the local Member of Parliament.

24 The resistance of the Department to the
25 setting up of local authorities is that in our view
26 it should not be necessary to set up a Board of from
27 three to five members of an authority with all the
28 orders-in-council and by-laws to look after the
29 activities of one or two men. However it has
30 sometimes happened that competition perhaps between



1 two or more local fishermen for pilotage work may have
2 made some control necessary.

3 THE CHAIRMAN: Under the present laws is it
4 necessary in order to have a licensed pilot at a place
5 to have an authority?

6 THE WITNESS: Yes, this is so. There is
7 not any way in which a license can be issued except
8 under this part of the Canada Shipping Act which
9 provides for the setting up of a district, because
10 unless a district is formed there is no pilotage
11 authority and without a pilotage authority no license
12 can be issued.

13 THE CHAIRMAN: So in the Gaspé Peninsula, for
14 instance, it does not matter how bad is the service
15 given there, unless it is felt a local commission is
16 established there would never be any licensed pilot
17 there?

18 THE WITNESS: That is right, sir, unless of
19 course the Governor-in-Council felt it was of
20 sufficient importance to appoint the Minister of
21 Transport as the pilotage authority, in which case he
22 would have the same powers as any other pilotage
23 authority.

24 THE CHAIRMAN: I see.

25 THE WITNESS: Under Section 329 of the
26 Canada Shipping Act.

27 MR. JACQUES, Q: When you receive a request
28 for the creation of a district, what do you do? You
29 receive a letter, say, from a local merchant or from
30 a local mariner stating, "We should like to see a



1 distret created here." What is the first thing you
2 do?

3 A. Well, then we first of all see what
4 the traffic is coming into the port, what the need is
5 of having pilots there -- licensed pilots. We try
6 to assess why the request is made -- whether it is just
7 a desire of one man to have a monopoly. We just try
8 to find out the circumstances of the case.

9 Q. And you have proceeded to find out
10 those answers?

11 A. We would normally, since the Member of
12 Parliament is the person representing the local
13 populace, he is the natural person whom we would
14 approach to help us assess the situation. He knows the
15 local people. He knows what, shall I say what factions
16 there are.

17 Q. Since you have personal knowledge only
18 of Sheet Harbour we shall limit ourselves to Sheet
19 Harbour.

20 THE CHAIRMAN: Excuse me. We had an
21 example of a case where we received a letter from, I
22 think it was, Yarmouth. We received a letter from
23 somebody on the ferry, there asking that he be
24 appointed pilot there. So I just passed it on to
25 you people because we were not interested in that.
26 I was just wondering -- I am not pleading in favour
27 of that; it is just as an example of what is going
28 on.

29 THE WITNESS: Well, sir, our policy has been,
30 when we have received a letter from one person we have



1 merely told him that there was no pilotage district so
2 the Department had no power to issue any licence. But
3 we have told him that there is nothing to prevent him
4 under the circumstances from offering his servicest o
5 any ship master coming in or going out.

6 THE CHAIRMAN: We have seen that in Gaspé.

7 MR. JACQUES, Q: So that is the first answer
8 you would give to a man who would write to you and say:
9 "I want to become a pilot in Port A?"

10 A. This is the answer we would give first.

11 Q. What would be required to move you into
12 making an investigation to decide whether there should
13 be or should not be a district?

14 A. Well, I do not think we would follow it
15 up on a letter from one man who wanted to be made pilot.
16 But if the need were strong enough there we are quite
17 sure that the ~~matter~~ will be returned -- will come back
18 to us.

19 Q. Bounce right back on your desk?

20 A. We know we will get further representations
21 if there is actually a need.

22 Q. And this investigation, how do you carry
23 it out? Do you send people to the port concerned?

24 A. We might do this if it looked as if
25 there might be a need. But you understand that if we
26 get one letter out of the blue from one man we really
27 do not think there is much need to follow it up. If
28 that man has some good reason behind him he will go to
29 his Member of Parliament -- we know that -- and that
30 Member of Parliament will approach the Minister.



1 Q. And then you will move your investigation?

2 A. We go on from there.

3 COMMISSIONER RENWICK: Excuse me, my lord,
4 I have one question there. I understand, Captain
5 Slocombe, that you have said that a letter from one
6 man might receive an answer saying, "You personally
7 can offer yourself as a pilot to the ship master."
8 My question is, do you explore his qualifications at
9 all at that time?

10 THE WITNESS: No, sir, we do not.

11 COMMISSIONER RENWICK: He is acting under
12 your authority; he could go to a ship's master and say,
13 "I am authorized to do so"?

14 THE WITNESS: No, this is not an authority
15 on our part. It is merely a statement of fact.

16 COMMISSIONER RENWICK: Is it not a tacit
17 authority? He holds your letter saying, "Offer yourself
18 as a pilot."?

19 THE WITNESS: We have found this has been done,
20 but this, of course, has no legal weight at all. This
21 is merely a statement of fact, that anybody is entitled
22 to offer his services. Usually it is quite adequate
23 in a small place -- the local agent, he knows the
24 competent fishermen around there and when he has a
25 ship coming in it is up to him to arrange competent
26 pilotage to go into the port if the ship needs it.

27 COMMISSIONER RENWICK: I can understand that
28 if there is a local agent to screen, but a strange
29 ship's master might take this man as a qualified person
30 whereas he is not qualified in fact.



1 MR. JACQUES, Q: I place myself in the
2 position, say, of an Italian ship's master with a very
3 slight knowledge of English reading this letter
4 addressed to Tom Jones saying: "You may pilot if you
5 wish"; I might take that as an authority of the
6 Department.

7 A. Excuse me, sir -- no; this is not what
8 we say, "You may pilot if you wish". We say he may
9 offer his services to any party who wants to employ
10 him. Obviously anybody who wants to employ a pilot is
11 going to find out what his background is.

12 COMMISSIONER SMITH: I think on the record,
13 my lord, there is a letter -- if not the letter,
14 certainly the evidence -- a letter written by the late
15 Captain Roberts to fishermen down, I think, in Gaspe.
16 In this letter Captain Roberts said pretty much what
17 you are saying -- that he is not able to grant to him
18 a licence but there is nothing to prevent him from
19 entering into a private contract with a ship's master
20 to pilot his ship. Apparently that was the procedure
21 that was followed down in that little port. I think
22 it was Gaspe.

23 THE WITNESS: This is right, sir. This is
24 in Captain Roberts' time before the Department of
25 Transport was formed in 1946 -- around about that time.

26 COMMISSIONER SMITH: Yes, about that time.

27 THE WITNESS: We would say the same thing
28 now, that we just have no power to issue licences
29 and where there is no district it is up to a ship
30 to find out through local agencies if they need a



1 pilot -- to find out or to obtain a competent pilot.

2 THE CHAIRMAN: Do you know what reliance
3 the foreign masters in the shipping world in general
4 would give to a pilot who is not part of any organized
5 pilotage and who is not a licensed pilot?

6 THE WITNESS: What confidence?

7 THE CHAIRMAN: Well, yes.

8 THE WITNESS: Well, this does occur all over
9 the world, sir. It is very seldom now that a ship goes
10 to any port, however small, without a local agent having
11 been appointed there by his owners to prepare the way
12 for him. This local agent should be the one to arrange
13 for a pilot in such a case.

14 THE CHAIRMAN: And as to his qualifications
15 and so on they are responsible; it is up to them to
16 make sure?

17 THE WITNESS: Yes, sir.

18 THE CHAIRMAN: And the master, of course,
19 being responsible, he has to be more on his guard?

20 THE WITNESS: That is right, sir, yes. After
21 all local fishermen usually do know the waters better
22 than anybody else. From time immemorial it has been
23 the custom for local fishermen in small places where
24 ships just come in occasionally -- it has been the
25 custom for local fishermen to offer their services
26 in this way.

27 THE CHAIRMAN: They can show the way but they
28 cannot dock the ship?

29 THE WITNESS: Well, it is a question whether
30 it is the purpose of a pilot to dock a ship.



1 THE CHAIRMAN: That is why I am here.

2 THE WITNESS: This is a matter for debate.

3 THE CHAIRMAN: We heard this remark from Mr.
4 Nicholson in Prince Rupert. He said almost any
5 fisherman could bring a ship into Prince Rupert but
6 they could not dock.

7 THE WITNESS: This is because they are not
8 familiar with the handling of large ships; this is
9 quite correct. But we must remember that although it
10 is the practice in established pilotage districts
11 for the master to in fact give the ship over to the
12 pilot to handle, the master does not give up his
13 responsibility for this and if he is in a small place
14 where he is a fisherman I imagine the master would be
15 very much more careful than he would be in a place
16 like Saint John.

17 THE CHAIRMAN: That is the reason why on
18 Prince Edward Island they have asked their pilots
19 to caution the masters that they are no good at
20 docking ships but are there just to show them the way.

21 THE WITNESS: That is right. We heard that
22 in evidence down there.

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1 MR. LANGLOIS: Captain Slocombe, would there
2 be any fundamental objection to amending the Canada
3 Shipping Act to authorize the Minister of Transport to
4 issue licenses or examinations, even in a cursory
5 manner, to those who are piloting ships with the
6 knowledge and blessing of the Department so as to be
7 sure that at least they have a minimum amount of local
8 knowledge and of shipping?

9 THE WITNESS: No, sir. There would be no
10 objection at all provided the legal machinery was
11 provided.

12 THE CHAIRMAN: And it may be graded as to the
13 capacity of the local agencies.

14 THE WITNESS: Yes, sir.

15 MR. JACQUES: If I wanted to be nasty, I
16 would ask my learned friend why wasn't that done.

17 MR. LANGLOIS: So don't be nasty.

18 MR. JACQUES, Q: To complete the record,
19 my lord, the letter which everybody has been referred
20 to was addressed to Mr. Roberts and is quoted at
21 page 249 of volume 111 of the evidence taken on board
22 the C.D. Howe in Gaspe.

23 Now, to go back again to the creation of
24 local commissions; you would wait until there were
25 sufficient requests or pressure created before you
26 would investigate a request for a district. Is
27 that correct?

28 A. Obviously if we have or if we had
29 enough letters, not just one letter from one man wanting
30 to be licensed, in our answer to that letter, we would



1 give our reasons for not recommending such, that a
2 District be formed and in that letter, of course, we
3 would have to say that according to our information
4 the traffic is only so much and that it did not appear
5 to us to provide sufficient need to set up local
6 machinery to look after this one man.

7 Q. Well, on this question of need for
8 pilotage, what do you conceive to be the guiding
9 principles to decide whether there is a need for
10 pilotage or not? Is this strictly the number of ships
11 or the type of ships or the importance of cargo taken
12 out?

13 THE CHAIRMAN: Or the local hazards, security.

14 MR. JACQUES: To illustrate my question, we
15 have seen a port in British Columbia, Chetway Harbour
16 in Queen Charlotte Islands where one ship goes there
17 every two or three months, I believe.

18 THE CHAIRMAN: Six weeks.

19 MR. JACQUES: Q. Six weeks and yet it is
20 included in a pilotage district.

21 A. Well, this just happens that it falls
22 already within a pilotage district.

23 Q. I see.

24 A. In an all inclusive pilotage district.

25 Q. How much traffic would you think warranted
26 the creation of a pilotage district?

27 A. If there were only one man doing it, I
28 don't think -- if one man was able to take care of it,
29 I don't think we would want to set up a pilotage
30 commission.



1 Q. I see, and is it merely a question of
2 paying the pilotage or is it a question of security
3 or promoting development of the port?

4 A. It is a question of whether the local
5 people, the local shipping people, feel that this need
6 is necessary, that there should be a pilotage authority
7 looking after pilotage there.

8 This may be that if they had one or two men
9 working there and there has been unpleasantness and
10 they have found that things were not working well --
11 in which case then -- shall I go on to the procedure
12 we would follow?

13 Q. Yes?

14 A. If we had agreed that a pilotage
15 authority should be set up, we would then ask the
16 Member of Parliament to nominate at least three, from
17 three to five responsible local citizens, interested
18 in shipping and interested in the port to become
19 members of a pilotage authority. When we had these
20 names from the local Member of Parliament, we would
21 not question these, we would proceed with the machinery
22 of setting up a submission to Council for the setting
23 up of a district, the setting up of the limits, the
24 payment of the local authority, the members of the
25 local authority and whether or not the payment for
26 pilotage dues should be compulsory, whether or not
27 it should be compulsory.

28 Q. Throughout that time there would be
29 no question of security of shipping as being the main
30 reason for the creation of the district?



1 A. This, we feel, is a matter for the local
2 people to decide.

3 MR. LANGLOIS: Excuse me. Instead of creating
4 a local commission, what is the objection to having the
5 Deputy Minister of Transport deputize somebody to act
6 as local authority and that one man could be the local
7 harbour master or the collector of customs in the
8 small harbours where you would need only one or two
9 pilots.

10 THE WITNESS: We couldn't do it under the
11 present provisions of the Act, Mr. Langlois. The
12 present provisions require from three to five.

13 MR. JACQUES, Q: As the Minister of
14 Pilotage authority, he has the authority to appoint
15 a delegate.

16 A. This is the appointment by the Minister?

17 MR. LANGLOIS: Yes.

18 THE WITNESS: This could be done. We would
19 prefer to decentralize.

20 MR. LANGLOIS: He could delegate his powers
21 as pilotage authority to the local harbour master if
22 there is only one or two pilots?

23 THE WITNESS: If the Minister is the pilotage
24 authority, means that things have to be funnelled
25 through Ottawa -- if the Minister has the direct
26 responsibility for it then the Minister has to be
27 assured that his officers are acquainted with what
28 is going on and are able to answer questions as to
29 details.

30 MR. LANGLOIS: The machinery exists under the



1 Act. This could be set up as suggested.

2 THE WITNESS: Yes, the Governor-in-Council
3 could make the Minister of Transport the pilotage
4 authority. He in turn could appoint a local supervisor
5 or superintendent.

6 MR. JACQUES; Section 327, the second
7 paragraph.

8 COMMISSIONER SMITH: My lord, while we are
9 on this point, I would like to ask the witness his
10 opinion about the situation that was brought to our
11 attention with regard to the Bras d'Or lake pilots
12 going outside their district and piloting the Strait
13 of Canso, which they pilot without having a license
14 to pilot in that area. The question was raised as
15 to their liability in the case of negligence or some
16 other fault on their part. I give that preface in
17 order to make my question a little more understandable.

18 My question is: Would there be any type of
19 authority or regulation or designation of any kind
20 from the Minister or from any other authorities for
21 that matter, to more or less legalize the operation
22 which on the face of it looks to be a little
23 irregular.

24 THE WITNESS: Well, sir, we were aware that
25 the Bras d'Or lake pilots were going outside the
26 district. This was with the permission of the local
27 supervisor, who is Captain Parker.

28 The by-laws of the Bras d'Or lake district
29 provides that a pilot must not pilot outside his
30 district except with the approval of the local



1 supervisor.

2 Now, when he does go outside the district
3 admittedly he is not a licensed pilot but there is no
4 district there for the Gut of Canso yet.

5 We have had discussions about it. We have con-
6 sidered the expansion of the Bras d'Or lakes district
7 to take into the Gut of Canso. We feel that this
8 would be the more appropriate way to do it rather
9 than set up a separate district.

10 COMMISSIONER SMITH: Why hasn't that been
11 done? What objection do you have?

12 THE WITNESS: There are difficulties. I
13 think as Captain Parker mentioned that they would not
14 be -- I just forget what the objections are now. I
15 think my lord, we have postponed further consideration
16 of this pending the report of the Royal Commission.
17 Things are going along all right, as far as we are
18 aware, as far as we can hear. These men are available
19 when required and the number of times when a pilot
20 is required are not very much. It hardly justifies
21 setting up of a separate district.

22 COMMISSIONER SMITH: Things are going along
23 all right, as you say. They will go along all right
24 until a disaster occurs and then something is going
25 to happen.

26 THE WITNESS: Well, the fact that these pilots
27 are doing the job now, to hold a piece of paper which
28 would entitle them to go through would not make them
29 any more competent. These men, we know, these Bras
30 d'Or lake pilots do know the Gut of Canso.



1 COMMISSIONER SMITH: Yes, but it would
2 legalize the operation, which is irregular now.

3 THE WITNESS: This is a point for debate, my
4 lord, whether it is irregular or not -- does exist
5 in many parts of the country and parts of the world.

6 THE CHAIRMAN: There is the question of
7 liability. I think the Canada Shipping Act speaks
8 of unlicensed pilots.

9 THE WITNESS: This was the point I was hoping
10 to look up now whether the liability provisions do
11 apply to a pilot who is not licensed. I would have
12 to ask our counsel for that.

13 COMMISSIONER SMITH: That is how I understood
14 the section. The liability section does apply under
15 the interpretation that notwithstanding that a man is
16 outside his jurisdiction he is still a pilot and his
17 liability is limited to \$300.00. That is my
18 understanding of the matter.

19 THE WITNESS: This is in section 362, my lord, and
20 subsection 1 speaks of a pilot deprived of his license.
21 Subsection 2 starts: "No pilot is personally liable --".
22 Whether this is to be read after subsection 1, that
23 is a legal point I am not competent to answer.

24 MR. MACGILLIVRAY: I think my lord, the
25 Department has always taken the view that this
26 subsection applies to pilots. A pilot is defined in
27 section 2 of the Act and is not limited to licensed
28 pilots so that it is our view that licensed pilots
29 of Bras d'Or when they are operating in the Gut of
30 Canso are still covered by subsection 2 of section 362.



1 MR. LANGLOIS: So I can declare myself a
2 pilot tomorrow morning and be protected by that
3 section?

4 MR. MACGILLIVRAY: Yes, sir, I would think so,
5 if any ship's master were ready to accept you as a
6 pilot.

7 MR. LANGLOIS: I have no doubt about that.

8 THE CHAIRMAN: It could be worse than you
9 because we have some knowledge as far as a ship is
10 concerned. I have heard at places where a barber
11 is doing the piloting and things like that.

12 MR. JACQUES: Your lordship is very kind.

13 THE CHAIRMAN: That is the reason why I
14 asked Captain Slocombe. I find the question that a
15 pilot is not licensed, this pilot does not carry, I
16 would say, a warranty from the Department as to his
17 competence so it is up to the master to make sure.
18 It is his responsibility. It is his risk when he
19 takes a pilot like that. It is up to him to make
20 sure that the pilot is licensed by the Department
21 then the Department has assured the master that this
22 man is competent, so I think that is the way I take it,
23 so far.

24 THE WITNESS: I would agree with that, my
25 lord. Where there is no district, the Department does
26 not accept any responsibility.

27 THE CHAIRMAN: Does not tell the master that
28 this is man competent or not, so it is up to the
29 master to decide.

30 THE WITNESS: That is right, sir. I say, where



1 there is no district, I should qualify this a little
2 because Goose Bay is not a district but we do have
3 departmental pilots there and also the Great Lakes,
4 as you have found, the Great Lakes are not in a pilotage
5 district under part 6. They are looked after in another
6 way so our Great Lakes pilots do not have licenses.
7 They have identification certificates which show them
8 to be duly accredited pilots in that area.

9 MR. LANGLOIS: May I ask my learned friend
10 if there has ever been any juris prudence to support
11 his interpretation of this paragraph 2 of section 362.

12 MR. MACGILLIVRAY: I don't recall anything.

13 THE CHAIRMAN: I have taken a note of that.
14 We can do research on it ourselves.

15 MR. JACQUES, Q: Now, to come back to the
16 creation of local commissions, how is a decision to
17 make payment compulsory or not compulsory taken?

18 A. This would be purely local issues. In
19 the case of Sheet Harbour it was made compulsory
20 because every other district on the east coast, except
21 Prince Edward Island had a compulsory payment of dues.
22 There seemed to be no reason why Sheet Harbour should
23 not be treated the same way.

24 Q. One last question. Is there anything
25 else you would like to add as to the creation of
26 local commissions?

27 A. I don't think so, sir.

28 COMMISSIONER SMITH: My lord, just one point
29 raised by the witness with the last answer on the
30 question of whether a district would be a compulsory



1 or a non-compulsory area. You made the remark all
2 of the districts in that part of the nation were
3 compulsory except Prince Edward Island. I am wondering
4 why they accepted Prince Edward Island? What was the
5 reason? What was the purpose of that?

6 THE WITNESS: There will be an explanation
7 of this, Mr. Smith, under the heading "Prince Edward
8 Island". I can answer now.

9 THE CHAIRMAN: No, I think we had better wait,
10 if you don't mind, Mr. Smith, because this is a question
11 to be dealt with.

12 COMMISSIONER SMITH: No, I don't mind except
13 that the point was raised by the witness that they
14 were all that kind of pilotage districts except Prince
15 Edward Island.

16 THE WITNESS: Well, I can tell you, my lord,
17 that Prince Edward Island under the recommendation
18 in the first place -- the recommendation was that it
19 should not be a compulsory payment district and this
20 I would think was reasonable enough. It was again
21 an all inclusive district. The waters of Prince Edward
22 Island going one mile off shore, I think -- I forget now.
23 This will come out later.

24 THE CHAIRMAN: Has consideration ever been
25 given not to compulsory payment but compulsory pilotage?

26 THE WITNESS: No, sir. We have never had
27 compulsory pilotage.

28 THE CHAIRMAN: I know the rule in the law is
29 compulsory payment only and then you have the exception
30 for non-compulsory payment but there is nothing in the



1 law, I think, with regard to compulsory pilotage. Was
2 that considered?

3 THE WITNESS: There is a prohibition of
4 compulsory pilotage in the Act now. It is emphatically
5 stated that no master shall be required to give a
6 ship into the hands of a pilot.

7 MR. JACQUES: Except on the Lakes?

8 MR. MACGILLIVRAY: Section 340.

9 THE WITNESS: This is in a district under
10 part 6. I was going to say on the Great Lakes -- the
11 Great Lakes is the only area where we do have compulsory
12 pilotage as such.

13 MR. JACQUES, Q: One last question. The
14 Order-in-Council creating Sheet Harbour reads as
15 follows:

16 "Whereas the Minister of
17 Transport reports that it is
18 deemed expedient in the public
19 interest --- "

20 What is meant by this "deemed expedient in the public
21 interest"?

22 A. I think that the answer to that is
23 that the local Member of Parliament has convinced
24 the Minister of Transport that this is the case.

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1 Q. Now with respect to the abolition of
2 local commissions I am given to understand that there
3 was a wholesale clean-up in 1959 or 1960 of several
4 commissions which had not been operating for several
5 years and the whole lot of them was abolished?

6 A. Yes, sir. As you know, there is a
7 requirement in the Canada Shipping Act that local
8 pilotage authorities shall make annual reports to the
9 Minister of Transport. Well, as the years went on
10 we found some of the old districts ---

11 MR. JACQUES: Excuse me -- Section 332, for
12 the record.

13 THE WITNESS: Some of the old districts
14 became inactive. When annual reports were not
15 received letters were written to the known officers,
16 the known members of the pilotage authority, and it
17 was sometimes found that these letters were not
18 replied to.

19 In 1959 it was decided that we would try to
20 remove the defunct districts from our files. We had
21 been reporting for many years that we had so many
22 pilotage districts and their local commissions -- as
23 they were called then -- but this was rather misleading
24 because so many of them had not been heard from for
25 many years. So in 1959 we wished to remove the
26 defunct districts from the files. An officer of
27 the Department made a tour of the Atlantic coast ports.
28 A report made by this officer indicated there were
29 some districts where there were no pilots and where
30 the commissioners had died several years before. Where



1 the amount of traffic was either nil or not sufficient
2 to justify permanent pilotage organizations, on the
3 following full consideration these defunct districts
4 were cancelled by Order-in-Council P.C. 1960-235 dated
5 the 25th day of February, 1960.

6 MR. JACQUES, Q: Would you have a copy of
7 that?

8 A. I have a copy here which I can put in.

9 MR. JACQUES: I should like to file it as
10 Exhibit 1144.

11 ---EXHIBIT NO. 1144: Order-in-Council P.C. 1960-235.

12
13 COMMISSIONER SMITH: Is Parrsboro on that
14 list, Mr. Jacques?

15 MR. JACQUES: Parrsboro is on that list,
16 Mr. Smith.

17 COMMISSIONER SMITH: The reason I mention
18 it here is because I see in the biographical literature
19 on the Commissioners that I am reported to have my
20 domicile in Parrsboro.

21 THE WITNESS: I see.

22 COMMISSIONER SMITH: It was in 1959, was it?

23 THE WITNESS: The Order-in-Council was in
24 1960. It was in 1959 that we made the survey.

25 COMMISSIONER SMITH: Parrsboro was abolished
26 in 1960; is that right?

27 THE WITNESS: That is right, sir.

28 MR. JACQUES, Q: So you abolished fifteen
29 commissions then?

30 A. Whatever the number is on that list.



1 Q. I see. Now before taking steps to
2 abolish them did you communicate with the Member of
3 Parliament?

4 A. I am not sure whether we communicated
5 with every Member of Parliament.

6 Q. I should think it would be logical that
7 if he is to be consulted for the creation of a district
8 he should be consulted for the abolishment of a
9 district?

10 A. I know there was correspondence with
11 various Members of Parliament on this and in cases
12 where there was objection we did not cancel the
13 district.

14 Q. So it was an overall investigation
15 of all local commissions?

16 A. That is right.

17 Q. And where there was any objection you did
18 not abolish the district?

19 A. Where it was indicated to us the district
20 was still active and that we might hope to have reports
21 made in the proper way, then we left the district in
22 effect.

23 Q. Subsequent to P.C. 1960-235 did you
24 receive any comments, adverse or otherwise, from local
25 people of the local commissions which were abolished?

26 A. I do not think so.

27 Q. Or Members of Parliament?

28 A. I do not think so. I am quite sure we
29 had no strong objection, otherwise we would have kept
30 the district in force.



1 Q. In your investigation for the abolishing
2 of these districts would your men consider the traffic
3 which goes there and the dangers to navigation?

4 A. Yes, he did -- not necessarily the dangers
5 to navigation, no. It would be taken that if we
6 had never heard of any trouble there, there is no
7 particular danger.

8 COMMISSIONER SMITH: Are there any places
9 where, because of hazards or dangers or other elements
10 the Department itself without any recommendation from
11 anybody established commissions?

12 THE WITNESS: No, sir, I do not think there
13 is any case like that. We have to rely on reports
14 from outside concerning any dangers or any hazards.

15 THE CHAIRMAN: Except Goose Bay, of course.
16 You put pilots there.

17 THE WITNESS: Goose Bay was a particular
18 instance where the traffic came up during the war.
19 There was an American base there and the need for
20 pilots was evident. Instead of making a district we
21 provided government employees to pilot ships.

22 MR. JACQUES, Q: With respect to the choice
23 of commissioners you mentioned a word or two in that
24 respect and you said that you always followed the
25 recommendations which are made by the Member of
26 Parliament. Is the Member of Parliament in all cases
27 the initiating authority for the nomination of a person
28 as a local commissioner?

29 A. I would say yes. He is the one whom we
30 would approach through the Minister's office to



1 nominate local commissioners.

2 Q. There are cases where you would approach
3 the Member of Parliament; is that correct?

4 A. Only if we had had representations.

5 Q. Oh, yes, but apart from the creation of
6 a commission, say during the lifetime of a local
7 commission, a commissioner dies or resigns his function,
8 would you get in touch with the local Member of
9 Parliament and request him to supply you with the name
10 of a person to be nominated?

11 A. Yes, this is the procedure. May I
12 correct something here?

13 Q. Yes.

14 A. We inadvertently referred to them as
15 "local commissioners". This is not correct now. They
16 are members of a local authority. They used to be
17 referred to as "pilotage commissioners" and it has
18 been very difficult to get away from this terminology.
19 But the correct terminology is "members of a local
20 authority".

21 Q. All right; now with respect to members
22 of local authorities you would get in touch with the
23 Member of Parliament; is that correct?

24 A. Right.

25 Q. And in so doing would you state to the
26 Member of Parliament these qualifications which that
27 man should have to act as local member?

28 A. Yes. We have said that this man, that
29 the commissioners should be responsible local citizens
30 with the interests of the harbour in mind. Otherwise



1 there are no qualifications for a member of a pilotage
2 authority. He does not have to be a technical man.
3 It is merely an administrative function and it has to
4 be performed without remuneration, except for the
5 secretary-treasurer. There is no provision in the
6 Canada Shipping Act for remuneration of a member of
7 a pilotage authority other than the secretary-treasurer.

8 Q. Does it happen that the Member of
9 Parliament writes to you and tells you that he wants
10 so and so nominated as member of the local pilotage
11 authority?

12 A. This would not be to us as the Department.
13 The correspondence would be between the Member of
14 Parliament and the Minister of Transport.

15 Q. Yes, but does it happen that a Member of
16 Parliament writes to the Minister and says: "Look, I
17 want so and so nominated as chairman of this local
18 pilotage authority."?

19 A. I would say yes.

20 Q. He does? Then what do you do with the
21 person in function then?

22 A. If we were so directed by the Minister's
23 office we would put the machinery in force to change
24 the personnel.

25 Q. And what is that machinery?

26 A. Merely the submission to Council -- which
27 of course would have to be signed by the Minister.

28 Q. And do you get in touch with the person
29 to be replaced?

30 A. We would inform him, of course, when the



1 Order-in-Council was passed.

2 Q. But before it is passed would you write
3 to him and say: "Look, we have a request to appoint
4 a person in your place as a member of the local
5 pilotage authority."?

6 A. No, we would not. We would leave that
7 to the Minister's office.

8 Q. To the best of your knowledge was that
9 done?

10 A. As far as I know --- I cannot say
11 that; I do not know.

12 Q. You cannot say. To the best of your
13 knowledge has anyone ever complained of that fact --
14 that he was a member of the local pilotage authority
15 and then one fine morning he received an Order-in-Council
16 nominating someone else in his place?

17 A. Not that I know of; not that I can
18 recall now.

19 Q. Since the Commission sat in Pugwash ---
20 I think we had better wait until we come to Pugwash.

21 MR. LANGLOIS: Excuse me; is it not a fact,
22 Captain Slocombe, that when you have on the spot a
23 harbour where you wanted to create a local authority --
24 when you have civil servants available, such as the
25 collector of customs, that you appoint him without
26 reference to the local members? That is the case
27 for example in Charlottetown?

28 THE WITNESS: We did this in Charlottetown,
29 Prince Edward Island, yes. This is for a district of
30 Prince Edward Island. I do not know how this came



1 about; I would have to look it up. I cannot recall now.
2 This is before my time.

3 MR. LANGLOIS: Are there other districts
4 where you have the same setup as you have in Charlottetown?

5 THE WITNESS: The appointment of the customs
6 officer?

7 MR. LANGLOIS: Yes.

8 THE WITNESS: And other government employees.
9 It was in the 1940's, I think. If it was during my
10 time in Ottawa it was right at the beginning and I am
11 not sure now.

12 MR. LANGLOIS: Bathurst is another example
13 of that?

14 THE WITNESS: No. Prince Edward Island is
15 the only one as far as I know.

16 MR. LANGLOIS: That is the only one?

17 THE WITNESS: Yes.

18 THE CHAIRMAN: In Charlottetown it is obvious
19 that you had all the civil servants available that are
20 not at other places. They were located in the same
21 building so they had no expense and so on. I think
22 it was very effective the way it was done.

23 MR. LANGLOIS: That is why I wanted to know
24 if this is the normal practice when they have such
25 civil servants available.

26 MR. JACQUES, Q: What guides your choice
27 with respect to the number of persons on the local
28 authority? The Act says three to five. What makes
29 you choose three, four or five?

30 A. Well, the nominations. We have no



1 policy on this. As long as it is three and not
2 more than five it does not matter to us.

3 Q. If you receive five nominations from
4 the Member of Parliament you nominate five?

5 A. Yes. There would be no reason to
6 refuse.

7 Q. Do you choose the secretary?

8 A. No, the secretary is chosen by the
9 local commission, the local authority.

10 Q. The local authority itself?

11 A. He is chosen but he has to be appointed
12 by Order-in-Council.

13 Q. Would you have any other comments to
14 make with respect to the abolition of commissions or
15 the choice of members of the local authorities?

16 A. No, sir, there is nothing else.

17 COMMISSIONER SMITH: Are there any local
18 authorities in existence now that in your opinion
19 should be abolished?

20 THE CHAIRMAN: That is a moot question.

21 THE WITNESS: May I say at the moment I
22 cannot think of any, Mr. Smith.

23 THE CHAIRMAN: You just said about the
24 secretary -- and it would be the same thing for the
25 by-laws, I suppose -- that the secretary is chosen by
26 the local authority and the Department has nothing to
27 do about that; they only put the commission to work.
28 In order to have this secretary appointed by Order-in-
29 Council does not the Minister exercise any discretion
30 there? Is he obliged to abide by the decision of the



1 local authority?

2 THE WITNESS: No, sir. Since the Minister
3 has to recommend this to the Governor-in-Council the
4 Minister would have a discretionary power if he wished
5 to exercise it.

6 THE CHAIRMAN: The same thing for the by-laws
7 would apply?

8 THE WITNESS: The same for the by-laws. As
9 far as we know this is the only control there is and
10 this is doubtful.

11 COMMISSIONER RENWICK: The secretary is a paid
12 officer. Is there a statutory provision setting his
13 pay? I know it comes through percentage in certain
14 instances, but is that regular?

15 THE WITNESS: It is named in the by-laws.

16 MR. LANGLOIS: What about the local Boards
17 of Trade? Do they play any part in the setting up of
18 these local authorities?

19 THE WITNESS: It is quite possible if there
20 were a local Board of Trade that the recommendation
21 might come from them, but obviously the local Member
22 of Parliament is close to the local Board of Trade and
23 we must accept the dictum of a Member of Parliament on
24 this because he is the representative of the local
25 people.

26 MR. LANGLOIS: Do you know if the local
27 authority members can be recommended by the members of
28 the local Board of Trade or are members of the local
29 Board of Trade?

30 THE WITNESS: Excuse me; if members of a local



1 authority are also members of the Board of Trade?

2 MR. LANGLOIS: Yes, sir.

3 THE WITNESS: Oh, it is quite possible. There
4 would be no objection to this.

5 MR. LANGLOIS: I ask you if you knew of any
6 district where the members of the local authority were ---

7 THE WITNESS: No, I do not know.

8 MR. LANGLOIS: --- members of the local Board
9 of Trade?

10 THE WITNESS: I do not think we would know
11 this.

12 THE CHAIRMAN: To my question I was asking you
13 a minute ago, you finished up your answer by saying
14 "and this is doubtful". What is doubtful?

15 THE WITNESS: The degree of control which
16 even the Minister of Transport has over a local
17 authority.

18 THE CHAIRMAN: Oh, I see.

19 THE WITNESS: We have legal counsel's opinion
20 on this.

21 Would you object to my reading it, Mr.
22 Macgillivray?

23 THE CHAIRMAN: That is all right. Please do.

24 THE WITNESS: This is the opinion expressed
25 by our counsel, which he has given me permission to
26 read.

27 "Part 6 of the Canada Shipping
28 Act does not give the Minister any
29 control over local pilotage
30 authorities. As the Minister is



1 responsible for the administration
2 of this part of the Act, he is
3 no doubt bound to watch over
4 their operations to ensure that
5 they are acting within their by-
6 laws and the powers given them by
7 the Act. But except for
8 prescribing the nature of the
9 information to be given in their
10 annual report pursuant to Section
11 332 the Minister is given no
12 power to issue orders to pilotage
13 authorities.

14 Such control as exists over
15 pilotage authorities is vested in
16 the Governor-in-Council and even
17 the Governor-in-Council may not
18 direct them to do any particular
19 thing. The Governor-in-Council
20 does have some control over them
21 in that they cannot make by-laws
22 except with his approval --
23 Section 329. Their members can
24 be dismissed by Order-in-Council
25 if they are not doing their job
26 properly and under Section 327
27 the Governor-in-Council can
28 designate the Minister to
29 supersede them whether or not
30 they are doing their job properly."



1 THE CHAIRMAN: That is quite all right. It is
2 summed up very well.

3 MR. JACQUES, Q: In fact has your experience
4 been that members of local authorities are replaced
5 only when they do not do or perform their duty? Is
6 not the reverse true -- that they are replaced at
7 will?

8 A. This might be so, but we would not question
9 it. If we have a directive from the Minister's office
10 to appoint a certain person in place of certain other
11 persons we would not question this.

12 Q. Is it in fact the best control vested
13 in the Governor-in-Council; if the pilotage authority
14 does not behave as he wishes it to he can just change
15 it over?

16 A. This is so. The Governor-in-Council.

17 Q. Yes, not the Minister, the Governor-in-
18 Council.

19 A. Not the Minister.

20 Q. He could change the pilotage authority
21 every week if he so wishes?

22 A. This is so.

23 THE CHAIRMAN: Excuse me; we see looking through
24 the history of pilotage that before some laws provided
25 that some of the commissioners were going to be
26 appointed by the Board of Trade -- two by the Board of
27 Trade and one by the city council and two by the
28 Minister. This is not in effect any more?

29 --

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30

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1 THE WITNESS: This is only -- if it is done, it
2 is done as a matter of practice. They might, whoever
3 nominates these people, might do this as a matter of
4 expediency.

5 THE CHAIRMAN: As a local custom, I suppose.

6 THE WITNESS: So that all the local people
7 might be represented.

8 THE CHAIRMAN: But there is no legal
9 requirement?

10 THE WITNESS: No, sir. There are no strings
11 attached to the appointment of a local authority.

12 MR. JACQUES, Q: Or there is no power to
13 investigate the activities of local commissioners
14 vested in the Minister or the Governor General-in-Council?

15 A. I have shown that the Minister could
16 act on behalf of the Governor-in-Council if he found
17 any malpractice or if he has reason to believe the
18 local commissioner was not ---

19 Q. There is nothing specific in the Act
20 with respect to investigation of the activities of the
21 local commissioner?

22 A. No, sir.

23 THE CHAIRMAN: In your experience have you
24 seen any such investigations being carried out?

25 THE WITNESS: Yes there was one. We were
26 requested to look into one. I am told this was
27 Bathurst. I couldn't remember which it was. In the
28 case of Bathurst, we were asked to look into the
29 situation there.

30 MR. JACQUES: Yes, it is listed under



1 "Bathurst".

2 THE CHAIRMAN: Of course, you looked also
3 into the local authority when they were abolished in
4 1960?

5 THE WITNESS: Generally speaking, my lord,
6 those that we have abolished had no local authority.
7 There were cases where there was no active authority.

8 THE CHAIRMAN: Legally they existed and
9 therefore you sent somebody to find out whether they
10 were still living?

11 THE WITNESS: Yes. These abolishments
12 were done as a result of a visit to the place by our
13 officer.

14 THE CHAIRMAN: It was a post mortem?

15 THE WITNESS: Yes, sir.

16 THE CHAIRMAN: I think we will adjourn for
17 a few minutes now.

18 ---The hearing adjourned at 11:33 a.m.

19
20 ---Upon resuming at 11:48 a.m.

21 MR. JACQUES, Q: One last question with
22 respect to the members of the local authority. There
23 was a change of government in 1957 and one in 1963.
24 Are you able to prepare for the Commission a list of
25 the changes subsequent to each of the changes of
26 government?

27 A. This can be done, yes.

28 Q. If you please. Do you wish to give it
29 a number now?

30 THE CHAIRMAN: Later on when we have it.



1 MR. JACQUES: As regard control over the
2 pilotage authority ---

3 THE CHAIRMAN: Excuse me. I think I have
4 changed my mind. Have it now because when we read
5 the evidence, it is easier to find.

6 MR. JACQUES: So it will be Exhibit 1145.

7 MR. LANGLOIS: Described as ---

8 MR. JACQUES: A list of changes in the members
9 of the local pilotage authority subsequent to the
10 changes in Government in 1957 and 1963.

11 ---EXHIBIT NO. 1145: A list of changes in the members
12 of the local pilotage authority
13 subsequent to the changes in
Government in 1957 and 1963.

14 MR. JACQUES; Q: With respect to control that
15 the Minister or the Governor-in-Council has over
16 local pilotage authorities, you have stated that in
17 law you seem to have no powers to investigate but in
18 fact I believe investigations have been made. I think
19 you mentioned Bathurst.

20 A. In practice.

21 Q. In practice?

22 A. In practice the Department has not
23 interfered except that the annual report indicated
24 there was some departure from the requirements of
25 the Act of the local by-laws so unless complaints have
26 been made against certain of the activities of the
27 local authority concerned when some irregularity has
28 been noted or complaint has been made, the Department
29 has communicated with the chairman of the local
30 authority concerned, advising him of the irregularities



1 or asking for his comments on the complaints that
2 have been made.

3 Usually any irregularities have been found to
4 have been due to insufficient understanding of the
5 requirements of the Act and the local authority,
6 secretary or chairman, has asked the Department to advise
7 them as to the steps necessary to correct the
8 situation. Now, the Privy Council staff will not
9 accept their regulations of the by-laws being submitted
10 to Council unless they are couched in the approved
11 language.

12 This has meant that the Department has had
13 to edit the by-laws made by resolution of local
14 authorities. Of late years we have attempted to
15 standardize the language in the by-laws of the local
16 authorities and officers have visited districts to
17 discuss their by-laws with them and as far as possible
18 keep those measures that are common to all districts
19 in substantially the same form.

20 THE CHAIRMAN: The same as you have done where
21 the Minister has the authority also.

22 THE WITNESS: That is right, my lord. As far
23 as the by-laws for the amendment of pilotage tariffs
24 were concerned, the Department has usually given the
25 Shipping Federation of Canada an opportunity to
26 comment before advancing with the submission to Council.

27 MR. JACQUES, Q: With respect to rates, you
28 said that you gave an opportunity to the Shipping
29 Federation of Canada to offer comments before making
30 the changes effective but who in fact initiates the



1 changes in your rates?

2 A. These always come -- they must come by
3 resolution of the local authority. The local
4 authority holds meetings and if they feel that an
5 increase in rates is desirable and justified then
6 they will make a resolution to that effect. They will
7 send us a copy of this resolution and ask if we can
8 help them to make the appropriate by-law.

9 Q. Has the Department ever suggested
10 revisions of rates?

11 A. No not in a local pilotage authority
12 district.

13 Q. Has the Department ever taken the
14 initiative to suggest the changes in by-laws, apart
15 from re-wording or redrafting a by-law which was
16 submitted by the local authority?

17 A. When our officer has gone around and he
18 has come to a district where the by-laws were made
19 perhaps 70 or 80 years ago where they obviously did
20 not fit into modern conditions, we have suggested to
21 them that then it might be appropriate to bring their
22 by-laws into line with other similar districts.

23 Q. Now, have you received complaints
24 against or by members of the local authorities?

25 A. Yes. These will come, I think, in the
26 consideration of the individual districts, Mr.
27 Jacques.

28 Q. Have you received complaints against or
29 by local pilots?

30 A. If we did, we referred them to the local



1 authority.

2 Q. To the best of your knowledge, has
3 there been any complaint by pilots whose licenses were
4 withdrawn for, let us say, apparently political
5 reasons?

6 A. Not that I can recall now. I don't
7 think so. As we found during the hearing apparently
8 some of them expected this kind of thing. We have not
9 had official complaints.

10 MR. MACGILLIVRAY: The reported case cited
11 involving a fellow by the name of Macgillivray in
12 Sydney.

13 MR. JACQUES: Would you have the reference to
14 that case?

15 MR. MACGILLIVRAY: No, but I can find it out.

16 MR. JACQUES: If you please.

17 MR. MACGILLIVRAY: It is many years ago.

18 MR. JACQUES, Q: Now, sir, under section
19 324 of the Act the Governor-in-Council fixes the limit
20 of pilotage districts. In practice how are district
21 limits fixed?

22 A. When a district is formed the limits
23 are set out purely on a practical basis. The limit
24 is usually set in the vicinity of the place where
25 incoming ships find it most convenient to pick up
26 pilots.

27 Q. And that is all?

28 A. I don't know whether this would be the
29 appropriate place to mention this matter of the meaning
30 of the word "limits".



1 Q. Yes.

2 A. We nowadays tend to think of the word
3 "limits" as meaning a line bounding a district but in
4 my recent reading back in history I find that in the
5 beginning the limits were the place or area where the
6 pilot boat cruised. This is what they called the
7 limits. Now, this explains the strange description of
8 the limits in Sydney, for instance, where it says
9 "the limits of the district shall be a bearing of
10 two points" -- I forget the wording now but it gives
11 a bearing of two points and then it says "eight miles
12 from so and so" -- from Swivel Point, I think it is.

13 This obviously is not a line bounding an
14 area. This is merely a place and I find this in the
15 report of the Royal Commission of 1918 that it is
16 recommended that the pilot cutter cruise at these
17 places which they describe in exactly the same terms.
18 This phrase was given as the limits of the district.

19 THE CHAIRMAN: Yes. I recall in Saint John,
20 New Brunswick, for instance, the limit of the district
21 was going south or southwest as far as Mont Dessert
22 Island. There was one district with five districts
23 inside or border areas inside and they were the
24 limits. I think under the Royal Commission they were
25 limited to three and then only to the entrance of the
26 St. Lawrence River.

27 THE WITNESS: There is another one which
28 refers to the district as a line drawn across two points
29 and six miles to Seaward. Obviously this is not
30 intended as a legal definition of area. This is merely



1 a rough approximation of where a pilot may be expected
2 to be picked up and this, I think should be borne in
3 mind in any discussion of where a pilot may go outside
4 his district.

5 If there was an exact limitation of his
6 operation, that he must not go across this line, the
7 converse would also apply that he must be dropped
8 before he gets to that line.

9 I think it is well known that in many
10 districts a pilot is dropped long before the limits
11 are reached.

12 MR. JACQUES, Q: Yes.

13 A. On outward bound.

14 THE CHAIRMAN: I have one in mind, Salmon
15 Head in British Columbia.

16 THE WITNESS: Yes. I thought I would interject
17 that point there.

18 MR. LANGLOIS: And Captain Slocombe, in many
19 districts on the St. Lawrence River, you have over-
20 lapping of limits of two districts.

21 THE WITNESS: For this reason, you cannot have
22 a line separating two districts and have exactly
23 changes of pilots on the exact line. There has to be
24 flexibility.

25 THE CHAIRMAN: Such as in Montreal for instance
26 and the port of Quebec.

27 THE WITNESS: That is right. We have the same
28 thing as the St. Lambert lock, the entrance to the
29 Seaway is in two districts.

30 MR. JACQUES, Q: Have district limits of local



1 districts been changed recently?

2 A. Saint John, New Brunswick was changed.

3 Q. Not districts administered by the
4 Minister but by local pilotage authorities?

5 A. I am told it is at least six years ago
6 since the last change was made and this will come in
7 into discussion of the individual districts.

8 Q. Now, as regards administration done by
9 the local pilotage authority, how do you assure that
10 by-laws are properly adopted?

11 A. Properly followed?

12 Q. Adopted first.

13 A. Adopted.

14 Q. By the local pilotage authority.

15 THE CHAIRMAN: When they reach you.

16 THE WITNESS: Well, when we receive the
17 resolution of the local authority, at least the
18 signed by-law --. The Act says that the local
19 authority makes a by-law so it comes to us signed.
20 Sometimes we have to return it to get it changed but
21 when it comes to us in the final and approved form it
22 is signed by the local authority.

23 MR. JACQUES, Q: Do you mean signed by
24 every member of the local authority or by one
25 member as representing the others or being authorized
26 by the others.

27 A. In the case of a local authority we
28 have a signature of all the members. It is not laid
29 down but we do have those usually. I think I can
30 say always because we ask for it.



1 Q. Do you ensure that these by-laws are
2 followed or adhered to after their adoption and
3 approval by the Governor-in-Council?

4 A. This is conferred to be completely in
5 the hands of the local authority and unless complaints
6 are made to the Department, we do not interfere.

7 Q. So if you have nothing about a district,
8 you do not bother?

9 A. This is exactly right. As we explained,
10 the right of the Department to interfere is not at all
11 clear.

12 Q. What about the accounts kept by the
13 districts?

14 MR. LANGLOIS: Excuse me. Still on the
15 drafting of this by-law, am I to understand that you
16 will suggest amendments duly proposed by-laws only to
17 clarify the wording or would you also do it as to the
18 by-law itself?

19 THE WITNESS: No, only as to form actually.
20 We would not certainly suggest something that was
21 going to have an impact on shipping or anything like
22 this. We might say other local districts have done
23 this that way when we are discussing it with them,
24 but we make no formal suggestion to them that they
25 do such and such a thing.

26 MR. LANGLOIS: What would happen if a local
27 authority has put forward a proposal in a by-law which
28 to you in your opinion is not acceptable. Would
29 you tell them, no, we cannot accept that. You had
30 better change that.



1 THE WITNESS: The powers of the local
2 authority are laid down in 329. We ensure that there
3 is nothing in the by-law that is outside the powers
4 laid down for the pilotage authority. This is the
5 same, I may say as the powers which are given to the
6 Minister if he is the pilotage authority.

7 MR. LANGLOIS: What I have in mind would be
8 a suggested by-law which, though it would be within
9 the powers of the local authority, would not be
10 acceptable to the Department. What would you do
11 in a case like that?

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1 THE WITNESS: We would not say that it would
2 not be acceptable to the Department unless we were
3 aware that there was a strong objection to it, a
4 responsible objection to it. We would merely look
5 at the powers and we would correct it as to form in
6 conjunction with the Privy Council of lawyers and if
7 they signed this and if the Governor-in-Council then
8 approved it, it would become law.

9 MR. MACGILLIVRAY: Is it not a fact that
10 you just have not been faced with the problem that Mr.
11 Langlois is asking about? That is, that there has
12 not been a case where a local commission, certainly
13 in some years, has proposed a by-law that the Minister
14 would object to on the grounds of policy?

15 THE WITNESS: I think that is correct. I do
16 not remember a case.

17 MR. LANGLOIS: You do not remember?

18 THE WITNESS: No, but if there were this is
19 how we would handle it.

20 MR. JACQUES, Q: Now with respect to accounts
21 and mail kept by the local authorities, do you have
22 anything to do with that?

23 A. No.

24 Q. What about the annual returns?

25 A. The annual returns merely report certain
26 items which are set out on a form, but we do not hold
27 audits or anything like that.

28 Q. You do not check the accuracy of the
29 report?

30 A. No.



1 Q. In most of the by-laws the remuneration
2 of the secretary-treasurer of the local authority has
3 been fixed at 5 per cent of the gross revenue. Do
4 you know where that 5 per cent figure comes from?

5 A. No; it is purely arbitrary. If any
6 local authority felt that 3 per cent would be sufficient
7 remuneration for the secretary-treasurer ---

8 Q. Or 10 per cent?

9 A. Or if it were more, we would not question
10 it unless we thought there was something fishy about
11 it.

12 Q. Some local authorities provide for
13 apprenticeship and some others do not. Has the
14 Department tried to standardize the apprenticeship
15 system of pilots in Canada?

16 A. Not in the local commissions, no; we
17 would not interfere in this. If the local authority
18 felt that in order to ensure recruitment of competent
19 men an apprenticeship system is required they would
20 make a by-law accordingly.

21 Q. Were borrowing powers for these
22 commissions or local authorities ever requested?

23 A. No. It may have happened that a local
24 authority would have borrowed from a bank, but we would
25 not interfere in this.

26 Q. You would not interfere. When you
27 revise by-laws or whenever you deal with a local
28 commission is there a setup whereby this local commission
29 would be appraised of its powers and these powers
30 would be explained to the members?



1 A. We send them a copy of the Act. We draw
2 their attention to the provisions of the Act.

3 Q. But there is no explanation?

4 A. No, not otherwise, unless they ask for
5 it.

6 Q. You say unless they ask for it. Have
7 you any examples of requests that were made to the
8 Department for your explanation of the Act?

9 A. I have not a specific case here, but I
10 think we could no doubt find one. When our officer
11 went around he found there was quite a lot of
12 uncertainty about the meaning of certain things and we
13 advised these people where they were going wrong.

14 Q. As you were told in Shediac?

15 A. Yes.

16 Q. With respect to district limits, do you
17 not think that the definition of the limit is
18 important in view of the license which is issued to
19 the pilot? His license, I believe, refers to a
20 district?

21 A. Well, I do not think so. I feel that
22 it should not be, other than in a flexible manner,
23 because from the practical point of view you must
24 have flexibility in this. And the pilots we know
25 wish to give service. They are not going to come to a
26 certain set line in the water which is invisible and
27 say: "This is as far as I can go." If the pilot boat
28 is a little bit -- a few yards further on for instance
29 he is not going to jump overboard and swim to the
30 pilot boat.



1 Q. Is there anything you would like to
2 add with respect to district limits and administration
3 of local authorities?

4 A. No, I do not think so. Your next
5 question is going to deal with the failure of the
6 system?

7 Q. Failure of the system -- with a question
8 mark at the end.

9 A. You are asking me about the failure of
10 the system?

11 Q. Yes, about the failure of the system.

12 MR. MACGILLIVRAY: I wonder if I might ask
13 another question before you go on?

14 MR. JACQUES: Yes.

15 MR. MACGILLIVRAY: In connection with the
16 rather leading question that I put before about control
17 over the local commissions in their making of by-laws
18 I thought perhaps I should have asked specifically
19 whether the answer you gave would apply in the matter
20 of pilotage rates. Is it not true that the Department
21 exercises some control in the matter of rates? I am
22 thinking of a recent suggestion at Miramichi for an
23 increase in rates.

24 THE WITNESS: As I said before, we would ask
25 the comments of the Shipping Federation. Then we might
26 say to the local commission or point out to them that
27 their request was out of line with other districts
28 or was not reasonable under the circumstances. We
29 might say that it would be difficult for the Minister
30 of Transport to recommend such a by-law, such an



1 increase to the Governor-in-Council. But, as we said
2 before, I do not know what would be our position if
3 the local commission said: "We are the pilotage
4 authority; we have made this by-law and we want the
5 Governor-in-Council approached." I do not think we
6 would be on very good ground.

7 MR. JACQUES, Q: They might have by-passed
8 the Minister of Transport?

9 A. This is conceivable. The Minister of
10 Transport is the minister who administers most of the
11 Canada Shipping Act and this part definitely, so he
12 is the normal channel for approach to the Governor-in-
13 Council. But I do not know what the situation would
14 be. Our counsel would be able to tell you better.

15 MR. MACGILLIVRAY: They would have a
16 difficult time getting their by-law on the agenda of
17 Council without going through the Minister of
18 Transport.

19 MR. LANGLOIS: Captain Slocombe, even though
20 in principle local authorities do make their by-laws,
21 is it not a fact that when a new authority, local
22 authority, is created they are presented with a model
23 of by-laws in force in a similar district and they
24 more or less get these by-laws and adapt them to
25 local conditions?

26 THE WITNESS: We would advise this and we
27 stand ready to assist any local commission with advice.
28 But we are not anxious to take over local commissions.
29 You either have decentralization or you do not. If
30 you have a local commission looking after it then



1 they should look after it.

2 MR. LANGLOIS: But in practice that is what
3 you do?

4 THE WITNESS: We do help where we are asked.

5 MR. JACQUES, Q: But in practice have you
6 not recently circulated a proposed set of by-laws
7 applicable to all commissions, say, in Newfoundland?
8 Has there not been a draft set of by-laws circulated
9 to the various local commissions in Newfoundland?

10 A. This is in Newfoundland, yes. This is
11 along the lines that I said before -- that when there
12 is a new set up or when the by-laws are obviously
13 archaic, then we would show the local commission or
14 send to them or bring to their attention what the
15 by-laws are in other districts where the matter is
16 done successfully and suggest to them that they might
17 like to adopt these same by-laws.

18 MR. JACQUES: Thank you.

19 MR. LANGLOIS: You are intending to have
20 uniformity as far as possible?

21 THE WITNESS: We would like to have
22 uniformity. This assists in interpretation. It is
23 obviously desirable.

24 MR. JACQUES, Q: With respect to the
25 alleged failure of the system of local authorities,
26 would you say there is a failure in that system?

27 A. There is no reason, except human
28 failure, why this system should not work successfully.
29 Obviously the system takes for granted honesty and
30 public spirit on the part of members of local



1 authorities. It envisions that the members of a
2 local authority will be sincere, public spirited and
3 responsible persons who are dedicated to the good
4 of the town or the port, harbour concerned.

5 If pilotage activities are of no concern to
6 the welfare of the community as a whole, it is
7 questionable whether there should be a pilotage
8 organization there because such an organization gives
9 a monopoly to one person or a small group of persons.
10 This can only be justified if there is a continuing
11 need for competent pilotage services and if such a
12 need cannot be met without control.

13 COMMISSIONER SMITH: My lord, I would like to
14 ask the witness -- in our trip down on the C.D. Howe
15 investigating some of those commissions along the
16 New Brunswick coast and Quebec, some evidence was
17 given that in one place they had not had an annual
18 meeting for two or three years. In another place
19 they lost the minute book twice. Once it was thrown
20 over and they forgot to catch it and the next time
21 it went into the sea. And there are other
22 circumstances similar to that which would indicate
23 certainly to me a condition of almost complete
24 irresponsibility as to their duties. Is there any
25 way of checking and presenting, curing a situation
26 like that, which is certainly a bad one?

27 THE WITNESS: Now, Mr. Smith, we would not
28 know about it unless complaints were made to us.

29 COMMISSIONER SMITH: Well then is the system
30 --- You say it is a good system. Is the system good



1 if that sort of thing can exist without some reporting
2 to the government, to the Department?

3 MR. JACQUES: Or supervision by the
4 Department.

5 COMMISSIONER SMITH: It would seem to me to
6 be something lacking in the system if that sort of
7 thing can exist without the Department knowing, as
8 you say.

9 MR. JACQUES, Q: And to quote another
10 example from our trip, we had one case where the
11 secretary-treasurer refused to turn the books over
12 to his successor in office.

13 A. This is a difficult question for me to
14 answer, my lord.

15 COMMISSIONER SMITH: I am not pressing it,
16 but I just raise ^{the} issue because of the remarks that you
17 made that it was a good system but it was the human
18 failure ---

19 THE WITNESS: Well, this is so, Mr. Smith.

20 COMMISSIONER SMITH: If it is a good system
21 it seems to me there should be some way of controlling
22 ---

23 MR. JACQUES: Human failures.

24 COMMISSIONER SMITH: The things that I
25 mentioned.

26 THE WITNESS: Where the members of the local
27 authority lack the qualities I mentioned or they do
28 not have the respect and the support of their fellow
29 citizens in the case of a consultation with the
30 pilots whom they are supposed to be controlling, well



1 then the system fails. But this is not due to a
2 defect in the system necessarily, but in the personnel
3 involved.

4 COMMISSIONER SMITH: Yes, but, Captain, the system
5 includes more than the local authority. Does it not
6 include also the senior authority, the parent
7 authority that is responsible for the creation of the
8 local authority in the system itself? Is that not
9 part of the whole system?

10 THE WITNESS: As we explained, the legal
11 position of the Minister is not quite clear on this.
12 The Governor-in-Council does have some authority. He
13 can dispense with the services of a local authority
14 and he can make the Minister the pilotage authority.
15 We feel that if the Department is to have control,
16 is to have some supervision in this respect, then
17 greater powers should be given to the Department to
18 carry out those supervisory capacities.

19 COMMISSIONER SMITH: Well, if there is some
20 authority lacking, in order to make the system perfect
21 or near perfect then they could see that that void
22 is supplied in order to make the system workable
23 and a perfect one. However ---

24 MR. LANGLOIS: Captain Slocombe, Mr.
25 Jacques was mentioning a case where a secretary-treasurer
26 of a local authority refused to turn the books over
27 to his successor. Is it to your knowledge that
28 legal courts have been used to force such a person,
29 an official, to provide a successor with the necessary
30 documents pursuant to the affairs of the local



1 authority?

2 THE WITNESS: Not to my knowledge. We have
3 written, but of course if a person does not answer
4 letters there is little we can do. But this is a
5 matter between the two sets of personalities involved
6 and the courts are available to them for recourse if
7 the matter is serious enough. But there is nothing
8 to stop a new pilotage authority from starting a
9 complete set of books.

10 MR. LANGLOIS: To your knowledge there has
11 never been any recourse to the courts to force ---

12 THE WITNESS: Not that I know of.

13 MR. MACGILLIVRAY: If there was such
14 recourse it would not involve the Department.

15 MR. LANGLOIS: No -- to his knowledge, I say.

16 MR. JACQUES, Q: Politics seem to have
17 played a role in local authorities. Would that be
18 a fair statement?

19 A. I would not like to answer that
20 question. We take instructions on these matters from
21 the Minister of Transport. If the Minister of
22 Transport informs us that a certain person^{is} to be a
23 member of the pilotage authority, we would not question
24 it.

25 Q. You would proceed with the ---

26 A. Submission to council accordingly.

27 Q. And according to you the system of
28 local authorities has not failed?

29 A. No, it has not failed because --- New
30 Westminster for an example is a local authority. Prince



1 Edward Island is a local authority.

2 Q. Yes, Prince Edward Island. We know for
3 a fact that the members are civil servants.

4 A. This has worked well. But there are
5 no doubt other districts where the local authority
6 has been a responsible body and have made annual
7 reports and where they do a good job.

8 Q. Which ones?

9 THE CHAIRMAN: I would say Miramichi Bay,
10 Chatham. I was very well impressed there.

11 THE WITNESS: Yes. There were some we
12 visited I could pick out, but I would hesitate to do
13 so now right off the bat.

14 We hear a lot about decentralization. This
15 is the only way to decentralize. If the local body
16 to whom the job is decentralized does not do a good
17 job, it is difficult to know what to do about it.

18 MR. JACQUES, Q: Would you have any further
19 comments to make on the system of local authorities'
20 suggestions with respect to the extent of their
21 authorities, their powers?

22 A. Well, I think you were asking as to the
23 history of a takeover?

24 Q. That is the next question.

25 A. No, I have nothing else other than what
26 I have said in a general sense. I could add that if
27 it were considered desirable for the Department to
28 keep a closer supervision over the local districts,
29 then we would have to be given the necessary power
30 to do it and possibly more staff to do it. We are



1 not looking to increase our responsibilities in this
2 regard.

3 Q. In view of the evidence which you have
4 read, because you have attended most of the sittings
5 of the Commission in its visiting to the local
6 commissions, do you not think there should be a greater
7 measure of ^{supervision} ~~provision~~ on the part of the central
8 authority here in Ottawa?

9 A. Are you asking for my personal opinion?

10 Q. Yes.

11 A. In my personal opinion there should not
12 be a district where there is only one or two pilots.

13 Q. Why?

14 A. Because I don't think it should be
15 necessary to go through all this red tape, if you like
16 to call it that, of Orders-in-Council and by-laws to
17 control the activities of one or two men.

18 THE CHAIRMAN: Could we just have some way
19 to have these pilots licensed, for instance, and then
20 leave it to free enterprise?

21 THE WITNESS: This would be quite in order,
22 otherwise I think that it is quite within the province
23 of the local steamship agency, looking after incoming
24 ships, they could have a man on salary or they could
25 have a man, whatever way they liked. They should
26 arrange for competent pilotage.

27 MR. JACQUES, Q: As we have seen, say,
28 for instance, in Port Cartier?

29 A. Yes.

30 Q. Where a man can operate in Port Cartier,



1 Baie Commeau and Seven Islands?

2 A. As far as I am concerned, that is a
3 satisfactory method to deal with it. There is
4 competent pilotage without government interference.

5 MR. LANGLOIS: If your present system is
6 preserved, would there be a possibility of combining
7 many of these smaller districts under one original
8 authority instead of having these separate commissions?

9 THE WITNESS: This is a new thought, Mr.
10 Langlois, but I don't see any big reason against it
11 except the distances apart. You would still have to
12 have a local body looking after each one. Whether
13 any local person would be willing to undertake this
14 without payment is another matter.

15 THE CHAIRMAN: This will come out later on
16 but I see you have an example where in Prince Edward
17 Island there were five districts before which were
18 combined into one. This will come out later on.

19 THE WITNESS: Yes, sir, I have this matter
20 here.

21 COMMISSIONER SMITH: Just on the lines of
22 the question asked by Mr. Langlois, I don't want to
23 start a discussion on the local authority districts
24 now but this may be said now that in the district of
25 Prince Edward Island it covers a terrific sea coast
26 area. I haven't got the figures right in front of
27 me now but it is something over 700 miles, I think,
28 of coastline. Now, the coastline distance from
29 Gaspe on the Quebec coast down to Pictou there must
30 be ten or twelve separate pilotage authorities within



1 an area -- I am only guessing at it -- but I would
2 say certainly not more than 200 miles. So one
3 district in Prince Edward Island is looking after a
4 coast area of over 700 miles and eight or ten or more
5 commissions are looking after 200 miles of coast
6 area.

7 THE WITNESS: I think the answer to that,
8 Mr. Smith, is that although the area covered in
9 Prince Edward Island is as long as you say it is,
10 there are only three places, was it -- I forget.

11 COMMISSIONER SMITH: Souris, Charlottetown,
12 Georgetown and Summerside.

13 THE WITNESS: I thought there were only
14 three or four where the pilots are well able to be
15 supervised through Charlottetown and there is no
16 trouble there. Although we say this is a pilotage
17 area the whole of the waters of Prince Edward Island,
18 this doesn't mean to say they are immediately under
19 any compulsory payment of pilotage dues as soon as
20 they touch any of those waters. They do not pick
21 up a pilot until they get to either one of those
22 ports mentioned.

23 COMMISSIONER SMITH: No. I was thinking
24 more of the geography of the situation rather than
25 anything else, the area of responsibility.

26 THE WITNESS: Well, as we found when we were
27 down there, they are not having any difficulty in
28 supplying pilotage for the amount of traffic into
29 those individual ports.

30 COMMISSIONER SMITH: That may be the answer.



1 THE CHAIRMAN: It is strictly port pilotage.

2 It is not coastal pilotage?

3 THE WITNESS: That is correct, my lord.

4 COMMISSIONER SMITH: I didn't mean it was
5 a coastal pilotage operation. I was thinking about
6 the pilotage in the four main ports in the Prince
7 Edward district.

8 THE WITNESS: Well, sir, when we come to
9 Prince Edward Island I will be able to read how this
10 came about in the first place.

11 MR. JACQUES, Q: Now, the last question of
12 a general nature is history of the take over by the
13 government of the major districts formerly administered
14 by local pilotage authorities.

15 A. Well, I have that. I can take Sydney,
16 Halifax and Saint John, N.B. as examples.

17 Q. Yes.

18 A. The Royal Commission inquiry of 1918
19 recommended that these three ports should be brought
20 under the then Minister of Marine and Fisheries as
21 the pilotage authority.

22 Q. Why was that recommendation to take

23 A. To take
24 the case of Sydney as an example, the Royal Commission
25 report noted certain irregularities and undesirable
26 features by the local administration of pilotage at
27 Sydney and expressed and I quote here -- "The
28 necessity of doing away with the local influence or
29 control and management of this and other districts
30 and their being placed under the government".

Now, the Order-in-Council, P.C. 864 of April



26th, 1922, which was gazetted on May 20th, 1922,
appointed the Minister of Marine and Fisheries as
the pilotage authority for the pilotage district of
Sydney, effective May 1st, 1922. The reason given
was that following the recommendation of the Royal
Commission it was deemed in the public interest to
take this action.

Would this be sufficient on that?

MR. JACQUES: Yes. Does that not point to
a failure of the system of local commissions?

A. Oh yes, in these instances.

Q. In these instances.

A. I assume if the failure of any other
local commission should be pointed too strongly
enough it would be followed either by cancellation
of the district or by closer supervision.

Q. Now, sir, before we move on to
particular local authorities, would you care to add
anything of a general nature with respect to local
pilotage authorities?

A. No. I will have something to say when
we are dealing with Sydney in the concomittant
happening at that time with the take over but I think
we can get that when we get to Sydney.

COMMISSIONER SMITH: My lord, I am not sure
if this was covered before or not but I wanted to
ask a question about it. In connection with the
annual reports supposed to be forwarded by these
local authorities, when they neglected to forward these
reports, are they reminded or is there anything done?



1 Is there any check made to make sure that they are
2 sent in, even though they are late.

3 THE WITNESS: We write to the local authority
4 and remind them that their report is overdue and
5 ask them to let us have a report as soon as possible.

6 COMMISSIONER SMITH: And then you keep that
7 up, urging them until you get it?

8 THE WITNESS: That is so, Mr. Smith.

9 MR. JACQUES, Q: Now, would you go on to
10 Charlottetown or the district of Prince Edward Island.

11 A. The reason for the amalgamation into
12 one district in July 1931, the then Minister of
13 Marine received a letter signed by three Members of
14 Parliament, the three Members of Parliament
15 representing Prince Edward Island and they recommended
16 as follows: "(a) The cancelling of all present
17 pilotage districts on the Island on the grounds that
18 at present they are all, to all intents and purposes,
19 defunct." This is a quotation, my lord, from the
20 letter sent by those three Members of Parliament.

21 COMMISSIONER SMITH: What year was that?

22 THE WITNESS: 1931. "(b) All the
23 commissioners, should any be alive, appointments to
24 be cancelled, that one pilotage district then be
25 formed to embrace all the ports and harbours into one
26 district to be known as the 'Pilotage District of
27 Prince Edward Island'.

28 (a) Under the non-compulsory payment of
29 pilotage dues ---

30 (b) no recognized pilotage dues. The



1 different authorized pilots to make their own
2 individual rates.

3 (c) The pilotage authority in this
4 district to be three to five commissioners as hereunder.
5 Captain G.W. Fyfe of Emerald, Prince Edward Island,
6 Mr. W.S. Gordon, Charlottetown, Prince Edward Island.
7 Henry Fitzgerald, Georgetown, Prince Edward Island.
8 Mr. Fitzgerald represented Kings County. Mr. Gordon
9 represented Queens County and Captain Fyfe, who lives
10 on the border of Prince and Quees would represent
11 Prince County.

12 The Commissioners, whose positions are
13 honorary, should confine their activities to the
14 appointment and dismissal of pilots, the disciplining
15 of pilots, and conduct in general.

16 We may state for your information that we
17 have at the present time no body of commissioners to
18 look after pilots in our province and as we have,
19 during the fall of the year, a great number of
20 steamships coming to our different harbours to load
21 potatoes and other produce, we deem the time has
22 arrived when some action should be taken to set up a
23 commission for the appointment of pilots. We would
24 therefore urge upon you to have our wishes in this
25 regard carried out immediately in order that
26 provision may be made for this fall's shipping."

27 COMMISSIONER SMITH: Who signed that?

28 THE CHAIRMAN: The three members.

29 THE WITNESS: The members of Parliament.

30 COMMISSIONER SMITH: I am sorry, I didn't



1 catch that.

2 THE WITNESS (continued): As a result,
3 Order-in-Council, P.C. 2417 was approved by the
4 Governor-in-Council on September 30th, 1931.

5 MR. JACQUES, Q: May I interrupt you. Did
6 you carry out any investigations upon receiving that
7 letter?

8 A. This is written before our time, Mr.
9 Jacques, and I don't know what was done.

10 Q. There were pilots before that.

11 A. Well, apparently there had been several
12 pilotage districts and they had just become defunct,
13 as some of the others we found later.

14 Q. Would your files show whether there
15 were still pilots functioning although all the
16 commissioners had been deceased?

17 A. Our files are not very good in this.
18 Some of them have apparently been lost. I believe
19 there was a fire also that had destroyed some files
20 but whatever the cause, we are finding it extremely
21 difficult to find files which deal with certain
22 matters.

23 Q. I am sorry. Carry on.

24 A. I finished saying that Order-in-Council
25 was approved by the Governor-in-Council on September
26 30th, 1931 and was published in the Canada Gazette
27 on October 10th, 1931. This Order-in-Council
28 cancelled several Orders-in-Council establishing the
29 pilotage districts of Alberton, Summerside, Crapaud,
30 New London and Richmond Bay, together with all



1 appointments of commissioners and all by-laws and
2 establishing a pilotage district of Prince Edward
3 Island.

4 The new district embraces all of the coastal
5 waters of the province for a distance of one mile
6 to seaward and the payment of pilotage dues was to be
7 non-compulsory, when a pilot was not employed, of
8 course.

9 Q. I am sorry. The person suggested as
10 members of the local authority were also nominated
11 in that P.C., were they not, Gordon, Fyfe and
12 Fitzgerald?

13 A. Yes.

14 COMMISSIONER SMITH: Captain, speaking of
15 these old defunct authorities, I don't remember that
16 you mentioned Charlottetown. Was Charlottetown
17 among the defunct ones?

18 THE WITNESS: No, Mr. Smith. Evidently ---

19 COMMISSIONER SMITH: Or Summerside.

20 THE WITNESS: Summerside, yes. Shall I name
21 them again? Alberton, Summerside, Crapaud, New
22 London and Richmond Bay. Evidently Charlottetown
23 must have been included in one of those districts
24 before.

25 MR. LANGLOIS: Where is Richmond Bay, Captain?

26 THE WITNESS: I am afraid I don't know, Mr.
27 Langlois.

28 THE CHAIRMAN: Obviously the previous
29 districts were areas. Now where there is pilotage
30 it is in ports not areas.



1 THE WITNESS: This is right. I assume that
2 these districts that were mentioned before comprised
3 the whole of the pilotage waters. Mr. Jacques, may
4 I ask if you have a copy of this Order-in-Council
5 filed.

6 MR. JACQUES: Yes.

7 THE WITNESS: So I needn't file it this
8 morning?

9 THE SECRETARY: It was filed this morning
10 among those establishing the districts.

11 THE WITNESS: The Order-in-Council appointed
12 the three persons to be pilot commissioners or as
13 we would say now, members of the pilotage authority,
14 as well as the nautical advisor in the previous
15 districts which was abolished by that P.C.

16 THE CHAIRMAN: I think they rescinded all
17 the previous Orders-in-Council and by-laws.

18 THE WITNESS: Yes, sir and this, of course,
19 will entail the re-licensing of any pilots -- if there
20 are any pilots there that would have to be re-licensed
21 by the new district, this would not be our function
22 or the Department to look after. This would be the
23 local authority.

24 MR. JACQUES; Q: Oh, yes. In those cases do
25 you make provision for the special manner of re-
26 licensing these pilots if their licenses terminate
27 upon the abolition of the district? Do they not come
28 under the new by-laws whereby they may have to serve
29 a certain apprenticeship?

30 A. This would be a matter for the local



1 authorities to decide with their first by-laws.

2 Q. Why was the payment of pilotage dues
3 made non-compulsory?

4 A. Because it was recommended.

5 Q. This is the only reason?

6 A. There is a point there I think that
7 perhaps may be the fact that it embodied all the
8 coastal waters. Since the payment of pilotage dues
9 is not compulsory, this washes out any worries about
10 whether a ship has to pay pilotage dues as soon as
11 it passes a certain point.

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1 COMMISSIONER SMITH: This is the only
2 district in Canada -- correct me if I am wrong -- where
3 they have voluntary pilotage; is that correct?

4 THE WITNESS: Yes, Mr. Smith.

5 MR. JACQUES, Q: The next question is the
6 purpose of reference to Section 346(e) in Section 5
7 of the by-laws for Prince Edward Island.

8 A. My lord, this is a little embarrassing
9 because I see no sense in it whatsoever.

10 Q. We thought so also.

11 A. The point that Mr. Jacques is raising
12 is that Section 5 in subsection (1) says:

13 "Notwithstanding paragraph

14 (e) of section 346 of the Act,

15 the pilotage dues as set forth

16 in the schedule shall be paid

17 in respect of all vessels

18 employing the services of a

19 pilot."

20 Section 346 of the Act applies to districts in which
21 the payment of pilotage dues is compulsory.

22 THE CHAIRMAN: I was just wondering whether
23 this was not the result of the by-law, that this is
24 in existence where the payments were compulsory so
25 therefore the same wording was used without thinking
26 that this was a different system altogether.

27 THE WITNESS: That is not an excuse, my lord,
28 for our allowing it to go through. I am looking up
29 the file to see if my initials are on it.

30 MR. JACQUES: My lord, it might be



1 convenient to adjourn now, since we are moving over to
2 Gaspe, unless the Commission has questions concerning
3 Prince Edward Island, or the other listeners have
4 questions concerning Prince Edward Island.

5 THE CHAIRMAN: There is an interesting
6 system where the pilots are just licensed for one
7 port, except that there are additional pilots to go
8 around and replace when one of the local pilots or
9 the local pilot is not available. They appoint
10 pilots. They license them for only one port. I think
11 that is the only place in Canada where the license
12 is appointed for the whole district. Is that not
13 true?

14 THE WITNESS: Well, we do have a situation in
15 Montreal, my lord, where the Montreal harbour group ---

16 THE CHAIRMAN: That is true.

17 THE WITNESS: --- are a part of the Montreal
18 district.

19 THE CHAIRMAN: That is true.

20 THE WITNESS: They are only licensed for the
21 harbour.

22 COMMISSIONER RENWICK: Also in British
23 Columbia there are the river pilots on the Fraser River.

24 THE WITNESS: The Fraser River is not part of
25 the B.C. district. It is a separate district.

26 COMMISSIONER SMITH: Captain, with regard to
27 the policy of Prince Edward Island district of
28 voluntary pilotage, the population of the island is
29 something over 100,000 people and it is quite an
30 important place on the map. There is quite a lot of



1 important shipping passing through there. I have
2 checked some figures and there are quite a number of
3 foreign ships calling and departing from the named
4 ports in Prince Edward Island.

5 But apart from that last year I think it was,
6 after the Commission was there, there was a bad fire
7 in the harbour of Charlottetown. A tanker caught
8 fire. It was on the pier at the time and was ordered
9 away by the fire department to prevent the fire from
10 spreading.

11 I know pilotage has nothing to do with
12 fighting fires but I think that the fact that this
13 district is a voluntary one lends itself to some
14 slackness and looseness in the operation of a pilotage
15 district. I am expressing my own opinion now, but
16 I would like to ask your opinion as to what you would
17 think of making it a compulsory district the same as
18 the other districts? Would there be any disadvantages?
19 Would there be any reasons for not changing the
20 present status in your opinion?

21 THE WITNESS: Well, I would hesitate to
22 express an opinion on this. This matter of compulsory
23 payment and not compulsory payment is quite a bone of
24 contention.

25 COMMISSIONER SMITH: I know it has a lot
26 to do with -- perhaps exclusively -- a matter of policy,
27 but what I am trying to develop is a comparison between
28 the operation of a district that is completely
29 voluntary and other districts that are compulsory.
30 I would like to get somebody's opinion on that point.



1 THE WITNESS: May I submit that the vessel
2 that caught fire was a coasting vessel, the Seekonk.

3 COMMISSIONER SMITH: Oh, I know pilotage had
4 nothing to do with the fire on the ship. I just
5 mention that as something that happened there -- and I
6 was not very surprised that it did happen. Pilotage
7 was not to blame. It had nothing to do with it; I
8 admit that.

9 THE WITNESS: No. Well, we have had no
10 reason to believe or to think that the present system
11 was not satisfactory to everybody. There have not been
12 any serious mishaps that we know of that would make
13 it appear that a change should be made. We just have
14 not had any representations on the matter. This is
15 a local authority problem which we would not interfere
16 in unless our attention was drawn to it.

17 COMMISSIONER SMITH: I think his lordship
18 mentioned this morning that the pilot there at certain
19 times told the master that he would have to dock his
20 own ship under certain conditions, which does not
21 seem to me to be a very high class pilotage operation,
22 for a pilot to not be able to dock the ship. The
23 master might want him to. Apparently the pilot had
24 quite a record of that, but he realized his short-
25 comings in that connection and he was frank enough to
26 advise the captain, and that was it.

27 THE WITNESS: I think this is a case in
28 point where the traffic is not sufficient -- the
29 traffic of ships that require pilotage is not sufficient
30 to get a higher class of man.



1 COMMISSIONER SMITH: Yes. Well, that just
2 brings up the point of the question of these foreign
3 ships that come in. I have figured out here in the
4 year 1962 -- I hope that I will not be held too
5 closely to this arithmetic -- but I have figured out
6 that there were 74 foreign ships arriving at the
7 various ports in Prince Edward Island in the year 1962.

8 THE WITNESS: There again, Mr. Smith, if
9 the shipping people were not satisfied with the
10 service they are getting they would complain to the
11 local pilotage authority and the local pilotage
12 authority should do something about it.

13 COMMISSIONER SMITH: That is true, but you
14 do not always take the advice of the local shipping
15 authority, do you, all over the country? It is true
16 that it is in their line of business and something
17 they are very familiar with, but perhaps they might
18 not like to see a change made in the present policy.

19 THE CHAIRMAN: I think it might be a question
20 of economics also, because I have 64 ships for 1962
21 and 74 and 71 for 1963, and I have seven pilots.
22 Pilot Hutt was appointed in 1961. He had three ships
23 during that year but did not get paid. So therefore
24 he did not bother piloting any more after, because
25 there was no return.

26 MR. LANGLOIS: My lord, may I suggest here
27 the reason why the payment of pilotage dues was not
28 made was due to the fact that most of the ships
29 using the pilotage facilities would be exempted ships
30 at any rate? Also in the definition of the district,



1 if any should get in within one mile of the island
2 without even being in, they would have to pay
3 pilotage?

4 THE CHAIRMAN: Yes.

5 THE WITNESS: This is what I said just now --
6 that that may have been the reason -- that the all-
7 embracing shape of the district has, you might say,
8 made compulsory payment rather dangerous.

9 THE CHAIRMAN: I will correct something there.
10 They did have some exporters. There was some ocean
11 traffic for instance going to South America.

12 MR. LANGLOIS: But the majority would be
13 exempted ships.

14 THE CHAIRMAN: Yes, for imports.

15 Are there any further questions on Prince
16 Edward Island?

17 We will adjourn until 2:30 p.m.

18 ---Luncheon adjournment.

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1 ---On resuming at 2:40 o'clock p.m.

2 MR. JACQUES: I have now the chart of
3 the set up of the directorate of Marine Regulations
4 together with a chart showing the various sections
5 and subsections of the Department of Transport which
6 I would like to file in a bundle as Exhibit 1146.

7
8 ---EXHIBIT NO. 1146: Bundle of documents showing the
9 set up of the Directorate of
10 Marine Regulations.

11 MR. JACQUES, Q: I understand that the chart
12 of the directorate of the Marine Regulations is not
13 up to date with respect to the names of the pilots.
14 Is that correct?

15 A. One or two names may be wrong there
16 and the numbers of pilots might be a little bit wrong.
17 That is not the directorate of Marine Regulations.
18 That is just the nautical and pilotage division of
19 Marine Regulations.

20 Q. I see, thank you.

21 A. There are no significant changes in this.
22 I was also asked to find out how long it took to set
23 up Sheet Harbour pilotage district. I find that
24 the first letter came to us on September 1st, 1938
25 and the Order-in-Council was dated December 1st.

26 Q. 1938?

27 A. Yes.

28 Q. The first letter from the Member of
29 Parliament?

30 A. That is right.

Q. From the Member of Parliament?



1 A. Yes.

2 Q. Now, may I turn to Gaspé. The first
3 question consists of requests for the creation of a
4 district in Gaspé.

5 A. Are you going to come back to Shediac?

6 Q. I am sorry. Let us deal with Shediac.

7 At Shediac, the only question we have relates to the
8 nomination of local commissioners since 1957.

9 A. I have here, my lord, a copy of the
10 correspondence commencing in September 12th, 1958.

11 Shall I give the gist of each letter?

12 THE CHAIRMAN: Yes.

13 THE WITNESS: On September 12th, 1958 we
14 wrote to Mr. Prouse McArthur, secretary-treasurer and
15 requested that copy of his annual report for the
16 previous year be sent in. The letter said:

17 "We don't appear to have
18 received these annual reports for
19 several years. It is therefore
20 requested that you make every
21 effort to forward them."

22 That was September 12th. The letter was signed by
23 Captain Jones. On October 20th we wrote to Mr.
24 Fred Doucette.

25 MR. JACQUES, Q: Who is he?

26 A. One of the members. We had no reply
27 from Mr. McArthur and so we wrote to Mr. Doucette.
28 It started off:

29 "It is understood that some
30 pilotage activities still take



1 place in the pilotage district
2 of Shediac. Annual reports have
3 not been received from the
4 district for many years.
5 Attempts to communicate with the
6 local authorities have failed.
7 The last letter written from
8 this department was addressed
9 to Mr. Prouse McArthur dated
10 the 12th of September. To
11 date this letter has not been
12 acknowledged. The letter asked
13 for the names of the members
14 of the Shediac pilotage commission,
15 the name of the secretary-treasurer
16 and the names of the licensed
17 pilots."

18 There was no reply to that until October 29th, that is
19 nine days later. We wrote Mr. Joseph E. LeBlanc.

20 Q. Who is he?

21 A. He is just a member of the commission,

22 I assume.

23 "Correspondence concerning
24 Shediac pilotage authority that
25 was addressed to Mr. Prouse
26 McArthur and Mr. Fred Doucette
27 has remained unanswered or has
28 been returned to this office.
29 It would be appreciated if you,
30 as the remaining member of the



1 Shediac pilotage authority,
2 write to this office and
3 provide a number of details
4 of the activities of the
5 district. No annual reports
6 have been received from the
7 district for a number of years.
8 Therefore I wish to know if the
9 district is actually becoming
10 redunant from the pilotage point
11 of view."

12 There was no reply and on May 19th, 1959 a
13 letter to the Minister of Transport from the M.P.
14 in Westmoreland. The letter says:

15 "Last September you advised
16 me that there had been no
17 activities in the above
18 pilotage district since 1943."

19 Q. It was addressed to the Minister?

20 A. It was addressed to the Minister by
21 the M.P.

22 "Later you advised that
23 the Commissioners were as
24 follows: Mr. Fred Doucette,
25 Mr. McArthur, Mr. LeBlanc.
26 This group are most inactive
27 and entirely --"

28 the letter says "satisfactory". I am sure he meant
29 unsatisfactory.

30 By letter dated March 6th, 1959 Captain Jones,



1 supervisor of pilotage, wrote to Mr. John Poirier at
2 Point du Chene.

3 Q. Who is Mr. Poirier?

4 A. I don't know. At the moment I can't
5 tell you. This may come out.

6 In that letter Captain Jones stated:

7 "As this harbour is in the
8 legally established pilotage
9 district of Shediac, normal
10 procedure would have been to
11 direct your inquiry to the
12 local commissioners of the
13 district. However, there are
14 no commissioners in existence
15 at the present time in this
16 district. While it has not
17 been legally cancelled, it is
18 not active in any way. We
19 understand there are no pilots
20 licensed by the local authorities
21 at the present time. Under
22 the circumstances, there is no
23 procedure which we can recommend
24 that you follow in order to
25 become a local harbour pilot."

26 And this letter goes on:

27 "This recent information came
28 as somewhat of a surprise as I
29 recommended changes in August
30 1958. Would you please take up



1 this matter with Captain Jones
2 and if possible --".

3 I should have read this before:

4 "Will you please take up
5 this matter with Captain Jones
6 and if possible under the
7 authority of section 325 of the
8 Canada Shipping Act, establish
9 a new local pilotage authority
10 consisting of the following:

11 Mr. J.C. Cunningham, Chairman,
12 23 Gallagher Street, Shediac.

13 Mr. Henry Briau, Shediac N.B.

14 Mr. Douglas Ruddick, Point du
15 Chene, N.B.

16 There was some possibility
17 that the three men mentioned
18 above are acting as a pilotage
19 board. As I understand they
20 have already licensed John Poirier
21 of Point du Chene and Edward
22 Pellerin of Riverside Drive,
23 Shediac as pilot."

24 John Poirier was obviously a pilot.

25 Q. So it appears from that letter that
26 the former commissioners, having died or having
27 resigned their functions, three persons took over the
28 duties of local commissioners and carried on without
29 having first been nominated by Order-in-Council?

30 A. It appears so, yes.



1 Then there is an answer from the Minister
2 on June 4th.

3 "Further reference to your
4 letter of May 19th dealing with
5 pilotage in the district of
6 Shediac, N.B., I am now pleased
7 to inform you that steps will
8 be taken immediately to appoint
9 Masters Cunningham, Briau and
10 Ruldick as members of the pilotage
11 authority for the above-mentioned
12 pilotage district."

13 The next paragraph asks for the christian
14 names of these men and the following paragraph asks
15 for the nomination of the secretary-treasurer. And
16 it says:

17 "Under the by-laws of the
18 Shediac district approved by
19 Order-in-Council P.C. 7626 of
20 October 1, 1943, which have
21 not since been amended or
22 revoked, the secretary-treasurer
23 is entitled to receive an
24 annual salary of 2 per cent
25 of the revenue of the district.

26 In order that the appointment
27 of the secretary-treasurer may
28 be taken care of in a submission
29 to council, you may let me know
30 the name of the person to be so



1 appointed. It will be very
2 helpful to us to have a properly
3 constituted pilotage authority
4 at Shediac once again.

5 As you are aware pilotage
6 authorities are required by the
7 Canada Shipping Act to report
8 annually to the Minister of
9 Transport. However, my
10 department had received no such
11 report from Shediac for many
12 years and letters written to
13 the members of the authority
14 failed to elicit any response.

15 After your representations
16 in August 1958 further efforts
17 were made in this regard but
18 still without success. I am
19 sure we may expect the new
20 pilotage authority as
21 recommended by you will
22 administer the district in
23 accordance with the requirements
24 of the Canada Shipping Act."

25 Q. Now, are the members then nominated
26 still in office?

27 A. They were made members of the pilotage
28 authority by Order-in-Council P.C. 1959-878 of the
29 9th of July, 1959. Mr. Cunningham was made
30 secretary-treasurer but Mr. Ruddick has since died.



1 THE CHAIRMAN: He died in December 1962, I
2 think.

3 MR. JACQUES: That is right.

4 THE WITNESS: Yes. Mr. Ruddick died since
5 the visit of the Royal Commission to Shediac.

6 THE CHAIRMAN: No, just before.

7 THE WITNESS: Sorry.

8 MR. JACQUES: We were there in February 13th,
9 1963. He had died in December 1962.

10 THE WITNESS: This is a mistake in my notes.
11 It says since the Commission ---

12 The remaining three letters here are letters
13 to each of the appointees informing them that they
14 had been appointed.

15 MR. JACQUES, Q: Now, has Mr. Ruddick's
16 vacancy been filled?

17 A. Yes. Mr. Alfred E. Smith was appointed
18 in his place as recommended by the secretary of the
19 authority and approved by the Minister of Transport.

20 Q. In respect of the nomination of Mr.
21 Smith, did you receive a letter from the Member of
22 Parliament or just a letter from Mr. Cunningham?

23 A. There was a letter from Mr. Cunningham.
24 It was put to the Minister's office for instruction.

25 MR. JACQUES: May I file all correspondence
26 as Exhibit 1147, correspondence relating, my lord, to
27 the appointment of the local members of the pilotage
28 authority for Shediac since 1958?

29 THE WITNESS: I am afraid the last one is
30 not there, the appointment of Mr. Smith is not there.



1 MR. JACQUES: We will make a note to exclude
2 the appointment of Mr. Smith.

3 ---EXHIBIT NO. 1147: All documents relating to the
4 appointment of a local pilotage
5 authority for Shediac excluding
6 the appointment of Mr. Smith.

7 MR. LANGLOIS: Captain Slocombe, how long
8 had these men been acting as a self-appointed local
9 authority when they were confirmed by the Department of
10 Transport, so to speak?

11 THE WITNESS: I am afraid we don't know, Mr.
12 Langlois.

13 MR. LANGLOIS: What happened to licenses they
14 had issued to the pilots? Were they also confirmed
15 by the authority or what happened to them?

16 THE WITNESS: I assume the new authority
17 or at least --they were confirmed.

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1 MR. LANGLOIS: Were there any financial
2 reports, regular reports received from them during
3 their term of self-appointed authority?

4 THE WITNESS: No, because we would have known
5 about it if we had received any reports. We had not
6 received any reports from anybody.

7 MR. LANGLOIS: But after you discovered they
8 were self-appointed have you been able to verify if
9 they have kept accounts of their operations?

10 THE WITNESS: We did not follow it up, Mr.
11 Langlois.

12 MR. LANGLOIS: Really you do not know what
13 happened during this period?

14 THE WITNESS: No, we do not know.

15 MR. JACQUES; Q: And there is no provision
16 in the regulations or no custom whereby the local
17 authority would give you the number of a licence
18 which was issued?

19 A. No.

20 Q. They would just state in the report the
21 name of the pilot and the date the licence was
22 issued?

23 A. That would be the annual report. It is
24 a routine matter.

25 Q. There would be no duplicate of the
26 licence forwarded to the Department?

27 A. No. As I said this morning, we have no
28 right to ask for that.

29 COMMISSIONER RENWICK: Mr. Jacques, if I
30 remember correctly we were given certain financial



1 information when we were in Shediac in Quebec that
2 might answer Mr. Langois' question.

3 COMMISSIONER SMITH: Before we move away
4 from Shediac there is one question I want to bring
5 out. It may well be that our own headquarters know
6 this, but in order to check and make sure, I am
7 reading from my notes. Pilots recommended that
8 31 buoys on course in the channel be fitted with
9 radar reflectors, the range lights at Shediac Island
10 be maintained in serviceable condition -- which is
11 not the present situation -- ^{and} that the channel into
12 Shediac Harbour should be dredged deeper.

13 I do not know whether anybody has looked
14 after those matters or not.

15 THE WITNESS: We did pass this information to
16 the Director of Marine Works. We have not heard, as
17 far as I know, what they have done about it.

18 MR. JACQUES, Q: In areas where there are
19 local pilotage authorities what role do you play
20 with respect to aids to navigation?

21 A. We do not play any role. If they do
22 write to us and ask us for any adjustments to aids
23 or more aids, we just pass it to the Marine Works
24 Branch which is responsible for aids to navigation.

25 Q. And you do not follow up that
26 information?

27 A. No, we do not. We feel this is between
28 the local pilotage authority and the Marine Works
29 Branch.

30 Q. Would the same thing apply with respect



1 to dredging?

2 A. Yes. This would be Public Works.

3 Q. Yes, Public Works; but you would just
4 pass on the information?

5 A. Yes, that is right.

6 Q. Would you make a recommendation?

7 A. No, we would not, not in the case of a
8 local commission.

9 MR. LANGLOIS: What has happened since it
10 was discovered during the visit of the Commission at
11 Shediac that ships were treated as being compulsory --
12 they were treated as being in a compulsory district?
13 Has any corrective been issued by the local authority
14 to stop charging the ships?

15 THE WITNESS: We did write a letter and
16 explain this matter to Mr. Cunningham. I am not sure
17 if the last letter on that file is saying somebody
18 would be visiting there. No -- we wrote to Mr.
19 Cunningham and told him that.

20 THE SECRETARY: No, that was before the
21 Commission visited Shediac.

22 THE WITNESS: We wrote to Mr. Cunningham and
23 said it had come to our attention that he was doing
24 this and he had a misunderstanding on this, and we
25 corrected it.

26 MR. LANGLOIS: Had the suggestion been made
27 to the Commission to apologize to Mr. Irving for having
28 forced him to pay pilotage dues?

29 THE CHAIRMAN: Or a refund.

30 THE WITNESS: I really think Mr. Irving was



1 perfectly capable of taking care of himself.

2 MR. JACQUES: Now, my lord, I think the
3 minutes of the meeting that we have had have not been
4 filed and made available, so we might file them at
5 this moment as Exhibit 1148.

6 THE SECRETARY: May I observe, my lord, these
7 minutes were circulated to all the parties interested,
8 including the Department of Transport?

9 MR. JACQUES: Oh, they were?

10 THE CHAIRMAN: 1148?

11 MR. JACQUES: Yes, my lord.

12 COMMISSIONER RENWICK: What date is that
13 again?

14 MR. JACQUES: It is the visit of February
15 13th, 1963, and the report bears no date.

16 COMMISSIONER RENWICK: Thank you.

17 ---EXHIBIT NO. 1148: Minutes of visit of February
18 13th, 1963. to Shediac

19 MR. JACQUES, Q: With respect to the dues
20 paid by Irving, have you received any complaints from
21 Irving's interests?

22 A. No, I do not think we have had any
23 correspondence on this at all.

24 Q. None at all, not before the Commission's
25 visit and not after?

26 A. No.

27 Q. You are not aware whether Irving is
28 claiming payment, reimbursement of pilotage dues?

29 A. We are not aware of that, no.

30 Q. What would happen in a case like that



1 when the money has been already shared by the pilots?

2 A. This would be a matter between the
3 pilotage authority and the person injured, if he was
4 injured.

5 THE CHAIRMAN: They used the pilots anyway,
6 so therefore he had the services?

7 MR. LANGLOIS: They were charged even when
8 they did not use pilots actually.

9 THE WITNESS: I am not sure about that, my
10 lord.

11 MR. MACGILLIVRAY: This is money paid under
12 a mistake of law, I believe, and therefore there could
13 be no action for its return.

14 COMMISSIONER SMITH: Of course I think the
15 infallible justice of the Crown would apply in a
16 case like that, would it not, Mr. Macgillivray?

17 MR. MACGILLIVRAY: I do not know.

18 MR. JACQUES: Q: Is there anything else
19 you would like to add with respect to Shediac?

20 A. No, sir.

21 Q. Now if we may move on to Gaspé, the
22 first question dealing with Gaspé is a request which
23 was made to the then Member of Parliament in 1958.

24 MR. LANGLOIS: You missed me by one year.

25 MR. JACQUES, Q: Reference was made to
26 that request at page 216, volume 3 of the evidence,
27 which is a letter written by Mr. Allard to Mr. Roland
28 English?

29 A. This request by Mr. G.P. Allard on
30 January 1st, 1958 for the creation of a pilotage



1 district was part of an extensive recommendation for
2 the development of the port, including the construction
3 of walls, deepening of channels, etc. After
4 consideration of the physical features of the harbour
5 and of the small amount of deep sea traffic entering
6 the port it was decided there was no compelling
7 reason for the setting up of a district. The pilotage
8 part of it was only just a facet of a wide plan.
9 Mention was made of a ship striking the bridge seven
10 years earlier and of a collision five years earlier.
11 Neither of these accidents appears to have been
12 reported to the Department.

13 Q. No record of them at all?

14 A. No record at all. But even if they had
15 it would not have changed the attitude of the Department
16 with regard to the setting up of a district. Two
17 accidents in twelve years is not enough in our opinion.
18 On the other hand if the matter had been pressed and
19 the local Member of Parliament had thought that a
20 certain section of the community supported the
21 request, the Minister of Transport might have seen
22 fit to instruct that a submission be made to
23 Council. There was mention of a previous request.
24 That one was made by the local customs officer on
25 behalf of a man who wanted a pilot's licence.

26 Q. I believe you refer to page 249 of
27 volume 3?

28 A. A letter from Mr. R.F. Eden of March
29 12th, 1935. That was on behalf of a man who wanted
30 a pilot's licence and that was in 1935 before the



1 Department of Transport was formed. But the then
2 Director of Pilotage appears to have taken the same
3 attitude as we have. That is, that it is not
4 appropriate to set up an authority of not less than
5 three persons with all the Orders-in-Council and
6 by-laws to govern the activities of one pilot with
7 a couple of dozen ships per year, particularly when
8 the reasons for the request is merely to give a
9 monopoly to one man.

10 Q. When the Commission was sitting in
11 Gaspe there is evidence of the fact that there are
12 two groups of pilots there and each group has its own
13 body. One group is headed by Mr. Norman Roberts
14 and the name of the other group is also Roberts, but
15 I do not recall the first name.

16 MR. LANGLOIS: Wallace.

17 THE WITNESS: The fact still remains that there
18 is not much shipping into the port and we have had
19 no complaints.

20 MR. JACQUES, Q: But why these objections
21 to nominating a local commission when it does not
22 involve any expense at all? It may serve to bring
23 a little discipline and order into a district where
24 there is none, but it does not involve government
25 expense in any way; it does not burden the government
26 with any extra administrative load.

27 A. As I say, we have had no complaints.
28 In this case, the Eden case, it is merely a
29 recommendation that a license be issued to ascertain
30 individual. The reply stated that there was no



1 district and therefore no authority for the issue.

2 We have had no further representations on the matter.

3 Q. So it was dropped by your department?

4 A. Yes.

5 Q. Now the second question is already
6 answered. The accident to the Gaspé bridge in 1951,
7 you have no record of that?

8 A. No record of it.

9 Q. And the accident to the ammunition
10 ship -- none either?

11 A. No, no record.

12 MR. LANGLOIS: On the bridge, the case went
13 to court.

14 MR. JACQUES, Q: And the last question is
15 also answered. Was the Department aware of the
16 situation in Gaspé prior to the Commission sitting
17 there?

18 A. No.

19 Q. Had the Department made any inquiries
20 into pilotage elsewhere than in districts already
21 created?

22 A. No.

23 Q. It had never thought of adopting that
24 principle as a matter of policy, to investigate
25 pilotage wherever it may take place?

26 A. No. We readily have enough
27 responsibilities as it is.

28 Q. Without ---

29 A. We feel that if there were a need for
30 pilots, for an organization, we would hear about it.



1 Q. Would you have anything else to add as
2 regards Gaspe?

3 A. No, except that if the Royal Commission
4 on Pilotage recommends we do something there,
5 something will be done.

6 COMMISSIONER SMITH: I looked at the rates
7 on pilotage, the imposts. According to my notes it
8 is \$3.00 a foot draft and then some other small
9 ships paid \$80.00 -- \$90.00. Here is a boat for
10 \$20.00 and so on. You would not investigate any
11 of those kind of things at all?

12 THE WITNESS: No, sir.

13 COMMISSIONER SMITH: Your Department, I mean;
14 that is all foreign to you?

15 THE WITNESS: We feel it is not our business
16 until there is ---

17 COMMISSIONER SMITH: Quite.

18 THE WITNESS: Proper representation made
19 that there should be a district and a district is
20 made.

21 MR. LANGLOIS: Captain Slocombe, you have
22 no record of the mishap to the Corvette under the
23 Venezuelan flag after the war which became a total
24 loss when she stranded off Cap Aux Os in the Bay of
25 Gaspe?

26 THE WITNESS: I remember that incident, but
27 this would not come to us from anything to do with
28 Gaspe as a pilotage district.

29 MR. JACQUES, Q: Now with respect to
30 Chandler, the Commission went to Chandler and



1 discovered that there was fairly extensive pilotage
2 going on in that port and also that there was a kick
3 back paid by the pilot to the master of a ship for
4 his service?

5 A. Well, in 1927 --- We have no
6 information on that.

7 Q. No request for information?

8 A. We do have a request for a district.
9 This was in 1927, when the local Member of Parliament
10 wrote to the Minister of Marine and Fisheries asking
11 that a pilot's licence be issued to the harbour
12 master. He was answered in the usual way, to the
13 effect that there was no district, therefore no licence.

14 In 1929 the request was repeated, this time
15 with the offer to act as harbour master without
16 remuneration if he were given a pilot's licence. Our
17 reply -- not our reply, the report of the Department
18 merely drew attention to the previous reply. In 1937
19 a further request was received, this time from a new
20 harbour master through a new Member of Parliament.
21 The reply was as before.

22 Again in 1939 the same M.P. wrote claiming
23 that there was considerable traffic. Details of the
24 traffic were obtained and it was found that 21 ships
25 had entered the port in the year, nearly all of them
26 engaged in such voyages as would make them exempt
27 from the compulsory payment of pilotage dues if
28 instituted. The harbour master ---

29 Q. Excuse me, but do you know whether these
30 vessels took pilots or not?



1 A. Some of them did, I understand.

2 Q. Therefore there was a need for a pilot
3 prima facie?

4 A. Some need. The harbour master was so
5 informed and again told that a license could not be
6 issued to him. He wrote again in 1941 and once more
7 in 1944. This last time he was informed that under
8 the provisions of the Canada Shipping Act -- it is a
9 pity we did not think of this before -- a person could
10 not be a licensed pilot and a harbour master at the
11 same time, so if a district were established he would
12 have to give up one job or another. We heard nothing
13 further.

14 Q. Nothing further?

15 A. I think if we had thought of telling
16 him that long before it would have ---

17 MR. LANGLOIS: Maybe another reason for this
18 is that the year after that there was a new member
19 again.

20 COMMISSIONER SMITH: I am not just completely
21 sure whether we are still in Gaspé or whether we have
22 moved on to Chandler.

23 MR. JACQUES: Chandler, sir.

24 COMMISSIONER SMITH: I would like to get
25 permission to ask a question about Gaspé. I think it
26 may have been partially covered by one of your
27 answers, but I would like to make sure -- and this is
28 what I have in my notes. George F. Allard, licensed
29 custom's broker (this is his evidence) said in 1958
30 he wrote his Member of Parliament to question the



1 government to establish a pilotage district in Gaspe
2 for the safety of shipping and the protection of the
3 port. It was refused on the ground that there are no
4 unusual navigational hazards in Gaspe. It goes on to
5 speak about two accidents.

6 Apparently the Department made some
7 investigation and decided because there were not any
8 unusual navigational hazards, that it was not
9 necessary to have a commission, according to this
10 witness.

11 THE WITNESS: That is right, sir. We did make
12 a report that expressed the opinion that there was
13 nothing unusual in the port.

14 COMMISSIONER SMITH: Nothing to warrant the
15 establishment of a local authority?

16 THE WITNESS: Well, this is in conjunction with
17 the fact that the amount of deep sea traffic was so
18 small.

19 COMMISSIONER SMITH: Right, thank you.

20 MR. JACQUES, Q: Now with respect to Chandler,
21 do you not think that the creation of a local
22 pilotage authority might serve to deter the masters
23 from requesting a kick back on pilotage dues, because
24 it is the only place where we found a place like that?

25 A. I do not know that this should make
26 any difference. A master could still --- I imagine
27 that it would depend upon the conditions and the by-laws
28 of the district whether it was a compulsory payment
29 district or what.

30 Q. I am talking of compulsory payment.



1 A. Well, I do not imagine this alleged kick
2 back was by deep sea masters. It must have been through
3 people who did not have to -- did not really need
4 pilotage.

5 Q. No. There is no mention in the
6 evidence whether it is by lake ship or ocean-going
7 ships. It is just that most masters of their ships
8 handled request a kick back.

9 A. I really cannot comment on that. It is
10 something that is completely foreign to any of my
11 experience.

12 Q. Would you care to add anything else
13 with respect to Chandler?

14 A. No.

15 Q. Now, with respect to Bathurst, the
16 first question is a mention of complaints by residents
17 about the commissioners and reference to that is
18 found at page 434 of volume 4 of the evidence taken
19 on the C.D. Howe.

20 A. Well, I have looked this up in the
21 record and I found that in 1956 the then Member of
22 Parliament concerned complained to the Department of
23 Transport that the Bathurst pilotage authority was
24 far from satisfactory and was causing much dis-
25 satisfaction among the shipping companies.

26 Q. Could you state in what respect there
27 was dissatisfaction?

28 A. I don't think so. I think those were
29 the words that were used. A departmental officer
30 visited and interviewed the interested persons.



1 Q. Was that very long after the letter
2 was written?

3 A. No, it must have been right afterwards.
4 He reported that there was in fact considerable
5 friction apparently because the secretary who was
6 the only active member of the three man commission
7 performed his pilotage duties in an arbitrary manner
8 sometimes to the benefit of his own business.

9 Q. Would you explain that a little more,
10 please?

11 A. Well, he apparently also had a
12 business connected with shipping and he was using his
13 position as a pilotage secretary to his own advantage.
14 That is the allegation.

15 Q. Pardon?

16 A. This was the allegation that was reported
17 to us.

18 Q. And was it stated how he was achieving
19 that? Was he exempting his own ships from pilotage
20 dues?

21 A. I don't imagine that would be it. I
22 would imagine he would be channeling business to his
23 own business. In view of his position he would be in
24 touch with the masters of the ships. It is conceivable
25 he would be able to channel business to his own
26 interest but we have no details of this. The members
27 of the authority were then changed ---

28 Q. Yes, but as a result of your inquiry, did
29 it uncover anything?

30 A. Just that.



1 Q. Just that?

2 A. That there was a lot of friction as
3 the M.P. had said. There was a lot of dissatisfaction
4 with the activities of the commission, of the
5 authority.

6 Q. You did not discover anything dishonest
7 about the behaviour of the commissioners there?

8 A. Nothing that we could put our finger on,
9 no. After all our man just went down and talked
10 to people. The members of the authority were then
11 changed and new members being nominated by the Member
12 of Parliament. In 1959 these commissioners were
13 removed from office on the grounds they were engaged
14 in political activity. In October, 1963 the
15 commission was again changed for the same reason.

16 Q. The next question is: Do you have any
17 knowledge of the dues collected by the authority which
18 were not authorized by the by-law. I am not saying
19 that the authority was making fictitious charges
20 that the pilot whose association or whose body provided
21 the services to the ship, instead of doing his own
22 collecting, it was collected by the secretary of the
23 pilotage authority.

24 A. Well, this is what I have here. In June
25 1956 the Bathurst Power and Paper Company wrote to the
26 Deputy Minister of Transport complaining that ships
27 from overseas were being assessed an extra mooring
28 charge of \$20.00 which did not appear to be provided
29 for in the by-laws of the Bathurst pilotage district.

30 We inquired of the secretary and we were



1 informed that \$20.00 was being paid to the linesman
2 for handling the mooring lines. We explained this to
3 Bathurst Power and Paper Company and there is nothing
4 illegal about this ---.

5 Q. You have heard nothing since?

6 A. I don't think so, no. They had in a
7 draft revision of the by-laws included a fee of \$25.00
8 for a linesman's fee for tying and securing vessels
9 and we told them that this was not a charge that should
10 be included in the by-laws.

11 Q. When was that?

12 A. August 1956.

13 Q. You returned their by-laws to them?

14 A. Yes.

15 Q. With that mention and they have not come
16 back?

17 A. That seems to be the last note I have
18 here so I take it we have nothing else.

19 Q. With respect to the pilot boats in the
20 local pilotage districts, do you check that steamship
21 inspection to see whether they are provided with the
22 certificate issued by the local pilotage authority?

23 A. No. We leave this to the local authority.
24 This is part of their responsibility, including the
25 obtaining of a steamship inspection certificate.

26 Q. There is no check made?

27 A. No. I may say that normally it is the
28 responsibility of the owner of the ship to request
29 the steamship inspection.

30 Q. And it should be up to the pilot not to





1 use a pilot boat which is not licensed?

2 A. That is right.

3 Q. By the pilotage authorities?

4 A. Yes, if that is important.

5 Q. So that answers the next question too.

6 What about aids to navigation in Bathurst?

7 A. Any representations that may have been
8 made to us would have been passed through the Marine
9 Works Branch. That again is, we say, a matter between
10 the local pilotage authority and the appropriate
11 department of government or a section of the
12 government department.

13 Q. And changes in members of commissions,
14 I think you have answered that already?

15 A. I have.

16 Q. Is there anything else that you would
17 like to add with respect to Bathurst?

18 A. No, sir.

19 MR. LANGLOIS: These complaints that you
20 received in 1956 did they have something to do with
21 the use of tug boats?

22 THE WITNESS: No, not as I recall. I think
23 it was just a matter of local friction.

24 MR. JACQUES, Q: Now, with respect to
25 Restigouche, do you have anything in your file with
26 respect to deductions for income tax purposes?

27 A. No. You recall the evidence said there
28 has been correspondence with some department in Ottawa.

29 Q. But not with you?

30 A. We have no record of it.



1 Q. Would you explain when and why Carleton
2 was taken out of the district?

3 A. Yes, I have looked into the files. This
4 is what I found. Carleton had originally been
5 included in the Bonaventure district constituted in
6 1899 comprising the whole of the north shore of the
7 Bay of Chaleur. That district ceased making reports
8 in 1919 and in 1935 the district was cancelled together
9 with the district of Restigouche which had comprised
10 the south shore and the dividing line between the two
11 districts ran along the middle of the Bay.

12 A new district, Restigouche River was then
13 formed comprising the waters between Little Belle
14 Dune on the south shore and the head of tidewater
15 and including the waters of the north shore west of
16 Maguasha Point. That is just west of Carleton.

17 In 1939 the local M.P. suggested that a
18 separate district of Carleton be constituted but he
19 was informed that the traffic did not justify this
20 step. He also mentioned the possibility of including
21 Carleton in the Restigouche River District but was
22 told that this would not be advisable.

23 However in 1951 the secretary-treasurer of
24 the Restigouche River district informed that the
25 Department that traffic into Carleton was increasing
26 and as one of the Restigouche River pilots lived in
27 Carleton, it was considered that good service could
28 be given to shipping if Carleton were included in the
29 Restigouche River district.

30 The opinion of the Shipping Federation was



1 sought and when the Federation replied to the effect
2 there was no objection the necessary submission to
3 Council was prepared and approved. Matters presumably
4 progressed satisfactory for a few years but in 1957
5 a lumber company that loaded ships at Carleton
6 complained that they were not getting proper service
7 and they insisted they be permitted to use the
8 services of a local man instead of strangers from
9 another province, without paying compulsory dues to
10 the Restigouche River pilotage authority.

11 After some correspondence the secretary-
12 treasurer transmitted the request of the Restigouche
13 River Pilotage Authority that Carleton be again
14 taken out of the district.

15 Q. Do you know what prompted the secretary-
16 treasurer or local authority to make such a request?

17 A. Yes. I recall he said that there was
18 now no Restigouche river pilot living in Carleton.
19 It was too expensive to have a pilot sent over there.
20 They did not want it in the district, so this was done
21 by Order-in-Council 3718 of July 24th, 1951 and we have
22 heard nothing further from Carleton.

23 Q. 1951?

24 A. 1951.

25 Q. 1961?

26 A. It must be 1961. No, it was on the
27 22nd of November, 1957. There is something a little
28 strange here. Let me check this.

29 MR. LANGLOIS: Is this P.C. 1562.

30 THE SECRETARY: No, 3718.



1 THE WITNESS: Have you got that, Mr.

2 Secretary?

3 THE SECRETARY: No, you just said a minute
4 ago it was 3718. The date you just gave is P.C. 1562.
5 You were talking about P.C. 3718.

6 THE WITNESS: Have you a record a later
7 Order-in-Council there?

8 MR. JACQUES: Would you check those two.

9 THE WITNESS: We will check those.

10 MR. JACQUES, Q: What is the intent of P.C.
11 3718 of 1951?

12 A. Was to alter the boundaries of the
13 Restigouche River pilotage district to the following:
14 this is very long. Rather than use the time of the
15 Commission would you let us check this and I will put it
16 in.

17 Q. Yes, please. P.C. 3718 of 1961 and
18 1562 of 1957.

19 A. There must be a typographical error
20 in here. I don't know where it is.

21 Q. At the hearing in Restigouche this
22 question was asked: "Would you have any knowledge
23 why Carleton was taken out of your district?" "A. Only
24 hearsay, sir. Q. State the hearsay as hearsay."

25 "A. Because the pilots here did not attend
26 navigation school at Rimouski and we were not
27 qualified to dock ships in and out of Carleton".

28 What is your reaction to that?

29 A. We have not anything of that on file.

30 That is new to us.



1 Q. You would have no knowledge of that?

2 That would not have been reported to you?

3 A. No, I am quite sure. I was looking
4 through the file. I did not see anything like that.

5 Q. You did not see anything like that?

6 A. If we do see anything like that, we will
7 let you know.

8 Q. Would you care to add anything else to
9 what you said about Restigouche?

10 A. No.

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1 MR. JACQUES: Q. Now if we may move

2 on to Caraquet, the first question concerns a query
3 from the Secretary-Treasurer with respect to exemption
4 of fishing boats page 524 of Volume 5.

5 A. I find in our files that under date
6 November 25th, 1958 Mr. Martin Gionet, one of the
7 Caraquet pilots, wrote to the Pilotage Office at Quebec
8 asking what classes of vessels were exempted from paying
9 pilotage dues in ports such as Caraquet. Specifically
10 he asked if overseas vessels with a tonnage up to 500
11 tons not requiring the services of pilots which called
12 at Caraquet with fish cargoes were exempted. The letter
13 was passed to Ottawa and Captain Jones replied that
14 vessels of foreign registry would be required to pay
15 dues, but a vessel registered in Her Majesty's Dominions
16 of less than 250 tons would be exempt. He also
17 pointed out that the exemptions were set out in Section
18 346 of the Canada Shipping Act and suggested that further
19 inquiries should be addressed to the local authority.

20 A copy of the letter was sent to Mr. Roy,
21 the Secretary-Treasurer. In the evidence that gave
22 rise to this question Mr. Roy was wrongly referring to
23 a fish carrier as a "fisherman." However, the vessel
24 concerned, which was the Blue Trader, should have been
25 exempt if she had used a pilot. It transpired that
26 she did actually employ a pilot, so there was no question
27 of exemption from payment.

28 Q. With respect to the hiring of pilots
29 in 1961 and 1962 ---

30 A. When the annual report for 1961 was



1 received the Department noted that one of the pilots
2 was already over 70 years of age. The Secretary-
3 Treasurer was informed that under Section 338 of the
4 Canada Shipping Act a pilot could not be licensed after
5 reaching the age of 70.

6 A few weeks later the Department was
7 informed that pilots Martin Gionet, who was 70, and
8 Jaddus Lartique, who was 67, had been retired and two
9 younger men had been licensed after being examined by
10 the instructor at the Fisheries School in Caraquet.

11 In February, 1961 a local member of Parliament
12 -- this is another question now, Mr. Jacques.

13 Q. That is the inquiry.

14 A. It was requested of the D.O.T. in 1961.

15 Q. That is right, and the evidence was
16 that several complaints as regards pilotage had been
17 made and someone had requested an inquiry from the
18 Department of Transport.

19 A. This is what I have here -- in February,
20 1961.

21 COMMISSIONER SMITH: Before we move on,
22 are you through with answering that question about the
23 retirement age of pilots?

24 THE WITNESS: Yes.

25 COMMISSIONER SMITH: There is one point
26 I wanted to bring up in a general way. I have not
27 got the Act before me, but my recollection is that
28 the pilots on attaining the age of 65 may -- and the word
29 "may" is used -- have his term extended from year to year
30 providing he passes an eyesight and hearing and medical



1 test. Those are the salient portions of the Section.

2 What I would like to ask you, Captain, is
3 this. When he reaches the age of 65, he must go
4 through that process of physical examinations and he
5 must also have his licence extended by the Minister;
6 but the word "may" is in there and I take it that the
7 Minister may or may not -- correct me if I am wrong --
8 extend his licence after he attains the age of 65?

9 THE WITNESS: In effect that is so, Mr.
10 Smith, but actually the Act says that upon attaining
11 the age of 65 a pilot must hand in his licence.

12 COMMISSIONER SMITH: Yes.

13 THE WITNESS: Then a new licence.... It is
14 not an extension of his previous licence; a new licence
15 may be given.

16 COMMISSIONER SMITH: From year to year?

17 THE WITNESS: From year to year, provided
18 he passes the physical tests.

19 COMMISSIONER SMITH: Yes. Well now,
20 what I want to ask is this, Captain Slocombe. Are
21 there any cases where the pilot conformed to all the
22 requirements, medical and otherwise, whatever they are,
23 where his licence is not extended for a new licence is
24 not granted? Is it automatic?

25 THE WITNESS: It is not automatic, no.
26 In fact at one time this was not done. In Montreal
27 District, I think, they did not extend this; but there
28 were complaints about it and the practice was returned
29 that they did, unless the man had something wrong
30 with him. But it is still a matter of choice or grace,



1 as you might say. It is within the power of the
2 Pilotage Authority to do it or not do it.

3 MR. JACQUES: Q. But the practice is
4 to issue a new licence unless the man is not physically
5 fit?

6 A. The practice is in the districts for
7 which the Minister is the Pilotage Authority...
8 I am sorry; I have forgotten there is one case just
9 recently where the Minister is not issuing a new
10 licence.

11 COMMISSIONER SMITH: Yes. I had some
12 correspondence with an official of your Department in
13 the pilotage realm and he used this expression --
14 "The pilots having reached the retirement age of 70."
15 He used the retirement age 70 and it confused me a little
16 after reading the Section of the Act.

17 THE WITNESS: This is, of course, the
18 compulsory retiring age of 70. There is no provision
19 for issuing a pilot's licence to a man over 70.

20 COMMISSIONER SMITH: So that there are two
21 ages of retirement then; there is one at 65, if the
22 Minister does not grant a new licence, and the
23 compulsory one at 70, no matter what happens?

24 THE WITNESS: This is so.

25 COMMISSIONER SMITH: All right, thank you,
26 Captain.

27 MR. JACQUES: Q. But with the local
28 commissions do you know what the practice has been?
29 From the annual returns that you had you were able to
30 see the age of the pilot?



1 English

2 A. We are able to see this, but we would
3 not take particular notice of it as long as the man was
4 not over 70.

5 Q. I see.

6 A. We feel this is the business of the
7 local authority. We are not issuing those licences.
8 It is the local authority who is issuing those licences.

9 Q. I can quite understand, but I thought
10 you might have been able to form an opinion whether
11 the general rule is to limit the pilot's licence to
12 65 or extent it to 70?

13 A. Well, without searching through the files
14 I would say it is extremely unlikely that they would
15 make a rule of retiring him automatically at 65.

16 Q. They would extend it?

17 A. They would probably extend it provided
18 they were given satisfaction.

19 THE CHAIRMAN: There is also a problem there
20 on account of the retirement funds that the pilots
21 have kept. Of course, if they retire them at 65
22 that is an additional liability for the funds.

23 THE WITNESS: That is so, sir.

24 MR. JACQUES: Q. Now to come back
25 to the complaints made in 1961 and the inquiry which
26 was requested from you ---

27 A. In February, 1961 the local member of
28 Parliament wrote to the Department to say that he had
29 received many complaints from the Chamber of Commerce
30 at Caraquet concerning the operations of the Pilotage



English

Commission for the port of Caraquet and suggested that it might be necessary to hold an inquiry.

At that time we were having trouble in obtaining any information from Mr. Roy and letters requesting his annual reports were unanswered. At least in September, 1961 Mr. Roy was informed that as the activities in the port seemed to be decreasing the Department was considering a recommendation to cancel the district. This brought a reply very soon with a request that the district not be cancelled. Since that there has been a marked improvement in co-operation.

Q. ~~This~~ alleged poor service. Do you know anything about that? At page 536 Volume 5 I read as follows, and this is an answer:

"They" -- I do not know who "they" be, probably the people complaining -- "before the Chamber of Commerce in Caraquet, the Commission, Mr. Giasson, Mr. Jiona and myself, we asked them what complaints they had and they complained that there was poor service from the pilots. I asked them which pilots and they only had this one pilot."

This is at the bottom of page 536.

A. My notes seem to have finished there, but it seems to me the files show that things cleared themselves up. Mr. Roy is still the Secretary-Treasurer and an agreement was arrived at and the local people were happy after that.

We had a letter -- at least, the Minister of Transport had a letter, from the Member of Parliament.



1
2 He had heard the Department was considering the
3 abolition of the district and he asked that the
4 Pilotage Commission be allowed to continue its
5 activities.

6 COMMISSIONER SMITH: There is one witness
7 there, Captain Giasson, I suppose -- 85 and 86
8 years old and he served the Commission for 50 years
9 apparently. He says that dredging is necessary.
10 I presume that has been passed on to the Marine Division
11 as well as the other recommendations?

12 THE WITNESS: I do not know that we had
13 any letter about this dredging, Mr. Smith.

14 COMMISSIONER SMITH: It does not matter.
15 As a matter of fact I do not think he is still on the
16 Commission. He is an ex-commissioner.

17 THE CHAIRMAN: Mr. Jacques, do you have
18 any other questions?

19 MR. JACQUES: Not with respect to Caraquet.
20 I was just about to move on to another district.

21 THE CHAIRMAN: We will adjourn for a few
22 minutes.

23
24 --- Short Recess.

25
26 MR. JACQUES: Q. With respect to
27 Restigouche, you will have the P.C.

28 A. Yes.

29 MR. JACQUES: We might give a number, My
30 Lord, if you wish. 2 P.C.'s concerning changes



1 in the

2 in the Restigouche district as Exhibit 1149, P.C. 3718 --
3 51 and P.C. 1562 of 1957.

4 --- EXHIBIT No. 1149: P.C. 3718 - 51 and P.C.
5 1562 - 1957 re- changes
6 in the Restigouche district.

7 Q Now, is there anything else you would like
8 to add with respect to Caraquet?

9 A. No, sir.

10 Q. Now, with respect to Miramichi, the
11 first question is the ownership of immovable property.
12 Have you had occasion to study that problem?

13 A. There is no reference in the by-laws to
14 ownership of immoveable properties but there would not
15 appear to be any need for such mention. Section 9
16 of the by-laws provides for payment out of the pilotage
17 fund of a salary of the Secretary and such other
18 expenses of conducting the business of the district as
19 are approved by the authority.

20 If the authority approves the payment to the
21 pilots for the use of a house owned by themselves, as
22 far as I know there would be no legal objection. All
23 payments come out of the revenue.

24 Q. But you have never been faced with the
25 problem of having to decide whether a local pilotage
26 authority may or may not own movable property?

27 A. No. We have no record of any mention
28 made by the authority concerning the possibility of
29 making a by-law touching ownership of property.

30 Q. That is applicable to Miramichi and also



1 any other districts, I take it?

2 A. Yes.

3 Q. So that answers two questions. Any
4 request for aids to navigation with respect to night
5 piloting in Miramichi?

6 A. I take it the district marine agent
7 has dealt with any requests for lighthouses and buoys.

8 COMMISSIONER SMITH: There was a witness,
9 according to my notes, Villion. I thought he was a
10 Department of Public Works engineer. He spoke of
11 the removal of a wreck at Gaspé and improvements in
12 the aids to navigation and other places?

13 A. Well, I think that the people down
14 in that vicinity know that if they want anything to
15 do with the aids to navigation they go the district
16 marine agent.

17 MR. JACQUES: Q. As chief of the pilotage
18 division, do you feel that you should have a say in the
19 aid to navigation?

20 A. No.

21 Q. Why not?

22 A. Unless asked. If we were asked for
23 opinions, we would express them.

24 Q. Only if asked?

25 A. If we have a request from the pilots,
26 we say what the pilots say.

27 Q. What you are saying is applicable to
28 all districts?

29 A. Yes.
30



1 Q. That you would support the pilots'
2 request for changes or improvement in aids?

3 A. Not necessarily support them but we
4 would pass them on.

5 Q. You feel that you should not --

6 A. If we feel strongly on the matter, we
7 would express ourselves. If we strongly supported
8 the pilots, we would say so.

9 COMMISSIONER SMITH: And you would make
10 recommendations if you felt that way about it?

11 A. It would go as far as that. We would
12 say we agree with the recommendations, yes.

13 MR. JACQUES: Q. You feel you should not
14 take any initiative?

15 A. This would be by-laws in the districts
16 for which the Minister is the pilotage authority.

17 Q. Only in those districts, but in the
18 other districts --

19 A. We would just pass the request on as a
20 request of the local pilotage authority.

21 MR. LANGLOIS: As a matter of fact are
22 not these requests that are put directly by the pilots
23 with the local D.M.A.

24 THE WITNESS: Usually are. This is what
25 I said a moment ago.

26 MR. JACQUES: Q. Is there anything else
27 you would like to say with respect to Miramichi?

28 A. No, sir.

29 Q. In Richibucto there are two questions.
30



1 One refers to the nomination of Mr. LeBlanc, the
2 Secretary, who had resigned at noon on the day the
3 Commission sat there. What would your files show with
4 respect to his nomination?

5 A. We find that Mr. Leo LeBlanc resigned
6 on May 23rd 1963 and he addressed his letter to the
7 Royal Commission on Pilotage, which was passed to us.

8 COMMISSIONER SMITH: Captain, there is a
9 statement made here by one of the witnesses and this is
10 the quote. "The only work the Pilot Commission does
11 is to try and control political influence."

12 This is in the transcript evidence taken at Richibucto.

13 A. So I have no comments to make on that, Mr. Smith.

14 MR. JACQUES: Q. What would your files
15 show with respect to the nomination of Mr. LeBlanc?

16 A. I have not a note on that. I have
17 it going on from there. I have not a note on the
18 nomination of Mr. LeBlanc. Did it come out in the
19 evidence when he was appointed?

20 Q. I don't recall. It might have come
21 out.

22 THE CHAIRMAN: I don't think he gave much
23 evidence.

24 MR. JACQUES: Q In the annual report
25 when he was nominated.

26 THE CHAIRMAN: November 5th 1959.

27 THE WITNESS: In any case they would be the
28 same. If he was nominated by the Minister's office
29 they would be appointed.
30



1 MR. JACQUES: Q. It was stated or I am
2 advised that he was nominated against his will. Now,
3 in the other cases of nominations, do you seek the
4 consent of the person to act as a local member of the
5 Pilotage Authority?

6 A No, we don't think it is necessary
7 because we feel he must be aware he has been nominated.

8 Q. By the Member of Parliament or whoever
9 recommends him?

10 A. Yes.

11 Q. So there is no check to find out whether
12 he will accept or not?

13 A. No.

14 MR. LANGLOIS: I am advised he was a man
15 of character.

16 MR. JACQUES: Q. In my notes, which
17 the Department prepared for the Commission, there is
18 a mention that the members of Richibucto were lax
19 in fulfilling their responsibilities. Would you
20 explain that note?

21 A. This was before the visit of the
22 Commission --

23 Q. Before the visit of the Commission?

24 A. I have not got that here but it would
25 be on a par with many of the others, probably not
26 sending in reports and so on, but I do have something
27 following this visit of the Commission.

28 Q. Yes?

29 A. On June 6 the Department wrote to
30



1 Mr. John Cleland, the Chairman, asking him to nominate
2 a new Secretary-Treasurer. There was no reply so
3 we followed that up with another letter on July 16th,
4 over a month later. There still has been no reply
5 to this date.

6 Q. To this date, you mean today?

7 A. Today and we have not received the
8 annual report for 1963.

9 The local Member of Parliament wrote in
10 August 1963 recommending the appointment of an apprentice
11 pilot. He was informed his recommendation would be
12 forwarded to the Chairman of the local authority.

13 Q. Was it forwarded to the Chairman?

14 A. It was. In September the Minister
15 wrote Mr. Cleland passing on the recommendation and at
16 the same time asked him if it had been possible to name
17 a successor to Mr. LeBlanc as Secretary-Treasurer.
18 There has been no reply to this letter.

19 Q. When that sort of problem arises, what
20 do you do, just wait?

21 A. We just keep on writing at intervals.

22 MR. LANGLOIS: Have you ascertained as to
23 whether or not these members can read or write?

24 A. Eventually, if we do not have any reply
25 when an officer is down that way, he will call.

26 MR. JACQUES: Q. And find out.

27 A. And find out what is happening.

28 Q. Anything else you would like to add with
29 respect to Richibucto?
30



1 A. No.

2 THE CHAIRMAN: The Member of Parliament
3 has recommended this man be appointed there. When
4 there is difficulty should you not ask him to investigate
5 and find out what is going on? He knows all these
6 men?

7 A. We think if he does not know, he will
8 ask us. He is supposed to be much closer to the
9 situation than we are.

10 THE CHAIRMAN: So when you have trouble
11 like that, why do you not get in touch with him and
12 say "Well, we are going to change all that because we
13 have not got a reply."

14 A. Well, this is a good idea, My Lord.
15 I think if we have not had anything further immediately,
16 we will follow it up again.

17 COMMISSIONER RENWICK: Especially when there
18 is only one pilot there, as I understand it.

19 MR. JACQUES: Two. I am instructed
20 it might be the Minister of Fisheries who is the Member
21 of Parliament for Richibucto.

22 MR. LANGLOIS: Is it in Kent County?

23 A. Well, we will follow it up.

24 MR. JACQUES: Q. Now, sir, with respect
25 to Pugwash. The first question was a draft by-law
26 which was suggested by your department I think, as
27 follows the general question with respect to the
28 policies of the Department?

29 A Yes. ~~and an~~ effort has been made
30



1 to make the by-laws of the existing pilotage district
2 and local authorities to follow the same pattern.

3 This was urged on the Department by law officers of
4 the Privy Council staff. It is obviously a good
5 idea for the sake of interpretation.

6 Q. Now, the next question refers to page
7 37 and 41 of Volume 9 and since the Commission sat
8 there we saw in the Press that there were several
9 changes in the Commission. Would you care to explain
10 what changes took place?

11 A Since the Royal Commission sat in
12 Pugwash, there were four members of the authority have
13 been replaced by Order-in-Council. The reason given
14 being that they were engaged in political activities.
15 The new authority appointed a new pilot and an
16 apprentice pilot and we understand this caused the
17 resignation of the two pilots then on the staff.
18 This was the business of the local authority. I
19 have not any further details except the names.

20 Q. In cases where -- did you suspect that
21 after making the changes in the members that there
22 would be a resignation on the part of the pilots?

23 A. We wouldn't consider it our business.

24 Q. Would you not consider it more practical
25 to be replaced or change the members of the Commission
26 or the local pilotage authority in order to provide
27 adequate pilotage services and in order to avoid the
28 resignations en masse of pilots?

29 A. Of course. This is obvious.
30



1 Q. Do you feel that members of the local
2 authority should not participate in political
3 activities, and if they do, that should be a cause for
4 dismissal or replacement? I should not say dismissal,
5 replacement?

6 MR. MACGILLIVRAY: I think, My Lord, this
7 is the type of question that the witness would be
8 justified in declining to answer.

9 THE CHAIRMAN: Yes, especially with a
10 local commission like that depriving them of the
11 pleasure of doing some politics at the time of election
12 and so on.

13 MR. MACGILLIVRAY: Captain Slocombe is
14 being asked really to comment on government policy.
15 I don't think that a member of the Department should
16 be asked to comment on the wisdom or otherwise of the
17 policy adopted by the Department.

18 THE CHAIRMAN: We have the facts.

19 MR. JACQUES: Might I ask then, what was
20 the wording of the Order-in-Council replacing the
21 former members of the local pilotage authority?

22 A. Order-in-Council is P.C. 1963 --
23 1797 of the 9th of December 1963. It merely states:

24 "His Excellency, the Governor General
25 in Council, on the recommendation of the Minister
26 of Transport, pursuant to Section 325 of the Canada
27 Shipping Act, is pleased hereby to appoint Messrs.
28 Leslie Allen, Lorne King, Maxwell Allen and Gordon
29 Coulter, all of Pugwash, Nova Scotia, to be members of
30



1 the Pilotage Authority for the pilotage district
2 of Pugwash in place of Messrs. Henry I. Smith, D.M.
3 MacAuley, W.I, Mundell and L. McLeod."

4 MR. JACQUES: Thank you.

5
6 Q. Would you care to ask anything with
7 respect to Pugwash?

8 A No, sir.

9 Q. Have you had any records of the changes
10 in the pilots -- any complaints about the previous
11 pilots?

12 A. May I say, My Lord, that there was a
13 question in the House of Commons on this matter. The
14 question was: "Have the Members of the Pugwash
15 Pilotage Authority been dismissed from their positions
16 and if so for what reasons?"

17 The answer was: "Yes, for political
18 activity."

19 THE SECRETARY: Could I have the reference
20 to this?

21 THE WITNESS: The votes and proceedings,
22 question number 1816, Mr. Coates.

23 THE SECRETARY: The date, please?

24 THE WITNESS: It is in votes and proceedings
25 number 103 of December 4th, 1963.

26 MR. JACQUES: Q. And the question was
27 answered by the Honourable Minister of Transport, I take
28 it?

29 A. Yes.

30 COMMISSIONER SMITH: My Lord, there is just



1 one question I wish to raise here. The evidence that
2 is given in these inquiries that we are holding
3 sometimes makes recommendations with regard to crew
4 aids to navigation. I do not know what the
5 procedure is with regard to following those recommendations
6 up.

7 For instance, here in Pugwash there is a
8 recommendation made by a pilot that there should be
9 two lighted beacons installed for coming up the stretch
10 at night, also the entrance buoy lighted. This is,
11 as you know, Captain, a very important harbour and
12 with the big salt mine opened up there considerable
13 shipping is going out of that harbour -- salt shipments
14 and I think some other wood products shipments as well.
15 I am wondering if these recommendations have been
16 handled by some source or if they got to the proper
17 authorities?

18 THE WITNESS: They have not been handled
19 by me as a result of notes taken at the Commission,
20 Mr. Smith, but if the Secretary of the Commission
21 wishes to pass on these recommendations to us
22 we will see that they get to the proper branch.

23 COMMISSIONER SMITH: It may be that our
24 headquarters has been there, I do not know. But
25 that is a recommendation of one of the pilots.

26 THE WITNESS: I have not acted on what
27 has been said in the hearings.

28 COMMISSIONER SMITH: All right, thanks.

29 I think, My Lord, a recommendation like
30 that coming from a pilot on an important harbour should



1 be followed up through some channel.

2 THE CHAIRMAN: What I had in mind -- I
3 think we are doing that for other places when we have
4 a formal recommendation in a brief. These re-
5 commendations are being passed to the Department of
6 Transport for their comments. This one was not in a
7 brief. Maybe that is the reason why.

8 For instance on recommendations in Saint John,
9 New Brunswick, I think we have passed those on as a
10 form of question that is going to be asked from the
11 Department of Transport -- what they think about the
12 various recommendations.

13 MR. LANGLOIS: I understand these comments
14 are in the evidence.

15 MR. JACQUES: Q. I should like you to
16 confirm an opinion. Whenever there is a change in
17 the members of the local pilotage authorities it does
18 not necessarily apply that the pilot's licence is hereby
19 cancelled and has to be reviewed?

20 A. Oh, no.

21 Q. The licence is continued?

22 A. Yes, unless it is cancelled by the
23 new authority.

24 Q. By the new authority?

25 A. You asked about later repercussions or
26 later happenings at Pugwash. There was another
27 question in the House by Mr. Coates in the votes and
28 proceedings No. 51 of April 28th, 1964 and No. 893 by
29 Mr. Coates. "1: What are the names, residences,
30 ages and the experience of the two new pilots appointed



1 by the Pugwash Pilotage Authority?

2 2: What is the name of the examiner who approved the
3 appointment of the pilots in question and what are his
4 qualifications?"

5 We wrote to Mr. Maxwell Allan of the Pugwash
6 Pilotage Authority and said we had been asked to supply
7 the following information. We quoted these two
8 questions. His answer enabled us to give the answers
9 and the answers were as follows. The first one:

10 "What are the names, residences" and so on; Answer:

11 "Mr. Harold Allan, Pugwash, age 36, appointed pilot,
12 one season experience as apprentice pilot. Mr. Otis
13 Allan, Pugwash, age 30, appointed apprentice pilot,
14 no experience."

15 The second question -- "What is the name
16 of the examiner who approved the appointment of the
17 pilots in question and what are his qualifications?";
18 the answer was: "Mr. Harold Allan was appointed pilot
19 by the Pugwash Pilotage Commission in March, 1964 on the
20 recommendation of past Pilot and Pilot Master H.E.
21 Vanember and Mr. Otis Allan was recommended as
22 apprentice pilot by Pugwash Pilotage Commission."

23 Q. I cannot understand this answer,
24 because a while ago it was said that the two pilots
25 had resigned as a result of the changes in the local
26 members of the Pilotage Authority?

27 A. Well, I take it these two, the two
28 new pilots were appointed in the place of the two who
29 resigned.
30



1 Q. And there would still be four pilots?

2 According to the last letter you wrote there should
3 be three pilots and one apprentice?

4 A. I do not know how many there were
5 without looking it up. There were two pilots
6 according to the last annual report for the year ending
7 December 31st 1963.

8 Q. And would their names correspond to the
9 names of those who recommended the new pilot and the
10 new apprentice?

11 COMMISSIONER SMITH: The old pilots were
12 -- there is one appointment made in 1956, Fred Brown,
13 47, and the second one Gordon Balon, 51 appointed in
14 1936.

15 THE WITNESS: These are the two pilots
16 whose names appear in the annual report.

17 MR. JACQUES: Q. For 1963?

18 A. For December 31st, 1963.

19 Q. Yes, and what are the names of the two
20 pilots who recommended these new pilot and the new
21 apprentice?

22 A. It was one man. The recommendation
23 was by Mr. Harold Allan. It is just one new pilot.

24 Q. Yes?

25 A. "Was appointed pilot by the Pugwash
26 Pilotage Commission in March, 1964 on the recommendation
27 of Past Pilot and Pilot Master H.E. Vanember." I do not
28 know how far past.

29 Q. You do not know whether they are 80 or
30



1 90? You do not know anything about these two gentlemen?

2 A. Which two gentlemen?

3 Q. The past pilot and the pilot master?

4 A. It is the same person.

5 Q. The same person?

6 A. H.E. Vanember. I have not come across
7 his name at all yet.

8 Q. Your reference would not show when he was
9 retired as a pilot?

10 A. We would have to go back in the file and
11 we have not done so yet.

12 COMMISSIONER RENWICK: Is not Allan a member
13 of the new Commission -- Harold Allan?

14 THE WITNESS: There is an Ainsley Allan,
15 a member of the new Commission. There are a number of
16 Allans here.

17 COMMISSIONER SMITH: Ainsley Allan was
18 on the Commission that was appointed in 1958?

19 THE WITNESS: He was the one man who was
20 not changed.

21 MR. JACQUES: Q. Would you trace the
22 date of retirement of this past pilot and master pilot,
23 please?

24 A. We will look through and find that.

25 Q. Have you with respect to these changes
26 in pilots received any complaints or heard of any
27 complaints made by the shipping people?

28 A. No, there is nothing appearing on the
29 file about it.
30



1 Q. Would you like to add anything else
2 with respect to Pugwash?

3 A. It appears that Mr. Ainsley Allan had
4 expressed the intention of retiring from the position
5 of Secretary-Treasurer, but the last information we
6 received is that although reluctant to do so Mr. Ainsley
7 Allan had agreed to continue his service with the
8 Pugwash Pilotage Authority at least for the time being.

9 Q. I see. Now, if we may move on to
10 Pictou, the first question relates to the bonding
11 of pilots?

12 A. When the Department assisted in the
13 drafting of new by-laws this section was dropped.

14 Q. Why did the Department feel it should
15 be dropped?

16 A. Well, it is not done anywhere else.
17 I do not see the point.

18 Q. Of having them bonded?

19 THE CHAIRMAN: I gather from what I have
20 read in the past history of pilotage that this was
21 a common practice before.

22 THE WITNESS: A long time ago, My Lord,
23 and it still is in the United States.

24 MR. JACQUES: Q. There is a mention at
25 page 41 of Volume 10 to the effect that the by-laws
26 have been under negotiation now for two years. Would
27 you explain that?

28 A. Well, sir, the following chronology may
29 explain why it took so long. On December 5th, 1960,
30



1 the superintendent of pilotage requested the secretary
2 to revise the by-laws. This was following the 1959
3 visit by the departmental officer to Pictou.

4 On July 17th, 1961 a follow up to the above
5 letter -- that is 6 months later; we had no reply the
6 first time so we followed it up. In August, 1961
7 the secretary replied that the draft was not yet
8 completed and the only change they were going to
9 recommend was a change in rates. On September 7th,
10 1961 the secretary forwarded the draft by-laws and
11 amendement re dues and an increase in the secretary's
12 stipend.

13 On September 13th, 1961, the superintendent
14 of pilotage informed the secretary that due to the
15 death of a member of the Pilotage Authority the by-laws
16 could not be considered until after a new appointment
17 was made and the amendments were adopted by the
18 authority. On October 18th, 1961, we followed up
19 that letter to the secretary about the new appointment.

20 On October 27th, 1961, the secretary
21 forwarded the name of a recommended new appointee.
22 The usual steps were taken through the Minister's
23 office on the new appointment and the Order-in-Council
24 was finally approved by P.C. 1962 -- 179, February 8th,
25 1962.

26 On February 12th, 1962, four days after
27 the passage of the Order-in-Council, the secretary was
28 advised that he could now proceed with the new by-laws.
29 We heard nothing until June 20th when the secretary
30



1 inquired re the by-laws and revised rates. We sent
2 back on July 6th the draft of the by-laws.

3 Q. And this draft had been prepared by whom?

4 A. It had come from them first.

5 Q. I see -- yes?

6 A. And it had been vetted by us. On
7 August 16th, 1962 the draft of the by-laws was
8 returned by the secretary. On November 15th the
9 draft was approved by the law branch and Privy Council
10 and sent to the secretary for the signatures of the
11 pilotage authority members in its final shape. It
12 came back to us on January 10th 1963.

13 On January 16th we sent it back because
14 it had been improperly signed. We did not have the
15 signature of the secretary on one of the submissions.
16 On January 18th they returned the draft properly signed
17 and on February 8th, 1963 the by-laws were approved
18 by Order-in-Council P.C. 1963 -- 214, February 8th, 1963.

19 Q. Thank you. The next question
20 concerns the district limits of Pictou, which were
21 quite extensive and which have been reduced. In
22 fact they were found too extensive and vessels were
23 delayed because they had to look for the pilot boat?

24 A. This is what I have -- by Order-in
25 Council P.C. 1891 of July 26th 1913 the district was
26 reduced in size to the same as it had been before 1908,
27 and there has been no further amendment.

28 The reason given in the Order-in-Council
29 is self explanatory, that the pilotage authority for
30 Pictou advised the Department of Marine and Fisheries



1 that the limits as extended cover too much area and
2 that vessels get inside frequently without sighting a
3 pilot and are delayed waiting sometimes a day or more
4 for pilots inside the limits.

5 Q. Thank you. Would you like to add
6 anything else with respect to Pictou?

7 A. No.

8 COMMISSIONER SMITH: Before we pass on
9 from Pictou, Captain, one of the witnesses at the hearing
10 made a suggestion that pilotage and all other small
11 port jobs be consolidated there. I know this is a
12 question of policy -- it may be high government policy
13 at that -- but do you want to make any comments on that
14 or not?

15 THE WITNESS: No, Mr. Smith, I do not
16 think I can comment. I do not recall the suggestion.
17 Nothing has come to us.

18 COMMISSIONER SMITH: This man's name was
19 Roland Fraser English. He is the manager of the
20 Magnum Island Transportation Company and he is
21 Secretary of the Pilotage Commission, for which he gets
22 5% -- which he says amounts to \$32 per year. He
23 says all small port jobs and pilotage should be
24 consolidated.

25 THE WITNESS: I assume this is in order
26 that the combined position would be a little more
27 renumeration.

28 COMMISSIONER SMITH: Maybe; I did not take it
29 that way. I thought he was referring to the overall
30



1 efficiency of all the small jobs if they were con-
2 solidated into one authority.

3 THE WITNESS: This would be a little
4 difficult I imagine because the jobs are under different
5 branches of the Department, but we have had no
6 representation to this effect.

7 COMMISSIONER SMITH: I would think there
8 would be considerable difficulty.

9 MR. LANGLOIS: How often were vessels
10 delayed within the pilotage limits as mentioned here?
11 Was that a frequent occurrence?

12 THE WITNESS: This was way back in 1913,
13 Mr. Langlois. . I imagine there would be a lot of
14 sailing vessels at that time -- small coasting
15 sailing vessels maybe -- and the limits of the
16 districts were a very wide area. I looked at them
17 on the map.

18 I have a copy of this Order-in-Council
19 incidentally, if you have not got it.

20 MR. JACQUES: Q. Which one?

21 A. 1891 of the 26th July, 1913. I
22 just quoted a bit of this Order-in-Council. This
23 is all the information we have. This is from a very
24 old file that has almost fallen to pieces.

25 MR. LANGLOIS: Q. This was the Order-
26 in-Council creating the original limits which were
27 altered in 1934?

28 A. No. They were made in 1908 and
29 the 1913 Order-in-Council returned to what they
30 were before 1908.



1 MR. LANGLOIS: Because I have a note in
2 front of me in 1934 the district limit as set up in
3 1908 were found too extensive?

4 A. 1934?

5 MR. LANGLOIS: Yes.

6 A. No, this was in 1913.

7 MR. JACQUES: Can we have that P.C. of
8 1913 filed as Exhibit 1150.

9 THE WITNESS: I think that must be a mis-
10 print, Mr. Jacques. I see in your notes that is what
11 you have.

12 MR. JACQUES: It is not a misprint. It is
13 a mistake.

14 MR. LANGLOIS: What is the number of the
15 P.C?

16 MR. JACQUES: P.C. 1891 of the 26th of
17 July 1913.

18 --- EXHIBIT No. 1150: P.C. 1891 of July 26,
19 1913.

20 MR. JACQUES: Q. Have you had similar
21 problems in other districts where the limits were found
22 to be too extensive to be practical, in recent years?

23 A. I can't think of one right now, Mr.
24 Jacques.

25 Q. Now, the last local commission --

26 MR. LANGLOIS: Just a moment. Apparently
27 in the case of the by-laws of the Pictou district there
28 was quite a good deal of negotiation between the
29 Department and the local authority. Is that normal
30



1 practice?

2 A. It would depend upon how clever the
3 local authority were in grasping what is required.

4 MR. LANGLOIS: If we take the normal meaning
5 of the word negotiation, there was some exchange of
6 views between the local authority and the Department
7 and there was some compromise arrived at. Is that
8 the normal practice for the Department to compromise
9 with the local authority on the by-laws?

10 A. Only insofar as where they are
11 exceeding their powers or not but all the vetting that
12 is done by us is merely a matter of form and we may
13 suggest to them that they have nothing covering such and
14 such an item as is covered in some other district.

15 MR. LANGLOIS: I am inclined to interpret
16 the word "negotiation" as meaning some give and take?

17 A. No, that is not the case, Mr. Langlois.
18 The word that should have been used was just
19 correspondence.

20 MR. LANGLOIS: Oh.

21 A. As the chronology shows, there were
22 long gaps when no reply was received to letters.
23 This was the occasion of the lengthy period that
24 this correspondence took.

25 MR. LANGLOIS: Because I had understood
26 this morning from your testimony that these local
27 authorities were pretty well atonamous. When we
28 talk about negotiation between the Department and
29 the local authority, what happens to the atonomy
30



1 of the local authority?

2 A. No, negotiation is not the right word.
3 It is just corresponddnce.

4 MR. JACQUES: Q. Sheet Harbour is the
5 lasttBoard for the Commission and the one in which we
6 have the least information.

7 THE CHAIRMAN: They did not even answer
8 our invitation to come before the Commission.

9 MR. JACQUES: We have had a letter from
10 Shaw Steamship with respect to payment of dues in
11 Sheet Harbour.

12 A. I think, sir, --

13 Q. First, has it been functioning?

14 Is Sheet Harbour still in operation as a
15 pilotage commission?

16 A. We have the annual report for the year
17 ending December 31st 1963.

18 Q. So it is still in operation. How many
19 ships would there be, how many voyages were made in
20 and out the harbour with pilots?

21 A. In 1963 there were 27 vessels with
22 a net tonnage of 39,826 and revenue of \$384.60.
23 We have one pilot on strength. No apprentices.
24 sHe had 27 trips and his remuneration was \$3,657.17.

25 THE CHAIRMAN: Captain Slocombe, in view
26 of the fact we know absolutely nothing as yet about
27 Sheet Harbour, I would appreciate it very much if you
28 could file copies of the annual report for the last --
29 how many years? We have nothing as yet.
30



1 MR. JACQUES: We could have them, My Lord.

2 I am sure we were supplied with those.

3 THE CHAIRMAN: They are not in the record.

4 MR. JACQUES: I thought in Halifax there
5 was something. We will check on that, My Lord. I
6 was under the impression that we had them for the last
7 five years, from 1958 on to 1963.

8 THE WITNESS: Very good, sir.

9 THE CHAIRMAN: We will give them a number
10 right now.

11 --- EXHIBIT No. 1151: Annual reports of Sheet
12 Harbour from 158 to 1963.
13 (To be filed)

14 MR. JACQUES: Q. Have any of the officers
15 of your Department visited Sheet Harbour recently?

16 A. I don't know how recently but there was
17 an officer there some years ago. We have no --

18 Q. Would you care to explain to the
19 Commission what all this correspondence is with Shaw
20 Steamship, with respect to compulsory payment of dues?

21 A. I have a copy of this correspondence here,
22 sir.

23 Q. Can you, before we file it as an exhibit,
24 sum it up?

25 A. It is in handwriting. The first one
26 was in October 10th 1961 to the Minister of Transport.
27 He said:

28 "We recently had occasion to send our
29 little Mayfall into Sheet Harbour, Nova Scotia,
30 to take on 24 cords of wood for Ponce, Puerto Rico.



1
2 There was no pilot to meet the Mayfall
3 so Captain Edmunds proceeded to his berth on
4 his own. The total freight on the wood only,
5 \$2918.96 yet the vessel could not clear out-
6 wards before the Captain paid -- " the bills of
7 the pilot are here: "amounting to \$31.36 in-
8 wards and \$35.36 outwards.

9 It is our opinion that small Canadian
10 vessels at all Canadian ports should not be
11 compulsorally made to pay pilotage unless
12 they take a pilot.

13 Take in the case of Sheet Harbour.
14 There is 600 chords of wood there for Ponce
15 and under no circumstances will we ever send a
16 small ship there again while we have to pay
17 such tribute.

18 On the other hand, we move quite a few
19 cargoes of dry fish to Puerto Rico and we would
20 be inclined to take 75 to 80 chords this
21 Sheet Harbour wood on deck if it were not for
22 this pilotage as what's the use of dropping in
23 there for \$900 to \$1,000
24 there for \$900. In freight and pay approximately
25 7% of it away in pilotage.

26 Pilotage for small Canadian registered
27 craft at Canadian ports is a drawback for
28 business so we would ask you to remove pilotage
29 fees at Sheet Harbour on small Canadian vessels
30 of say 500 to 600 net tons and less.

Thanking you for this consideration,



1
2 We are,

3 Yours very truly,

4 Shaw Steamship Co. Limited.
5 W.A. Shaw.

6 The Minister replied with just an
7 acknowledgement, and immediate acknowledgement on
8 October the 12th. He said the letter would receive
9 every possible consideration and this was followed
10 up by a letter of October 19th, seven days later and
11 this letter said as follows:

12 "On October 12th I acknowledged receipt
13 of your letter of October 10th in which you made
14 certain representations concerning pilotage
15 fees at Sheet Harbour and you suggested in
16 particular that small Canadian vessels of less
17 than 500 or 600 tons should not be subject to
18 the compulsory payment of pilotage dues when they
19 do not employ pilots. I now have to inform
20 you that the Canada Shipping Act makes no
21 provision for the exemption of vessels on voyages
22 south of New York unless they are under 250 tons
23 net registered tonnage. I note that the
24 tonnage of your M.V. MAYFALL is 260-8 net.

25 The only way in which the MAYFALL could
26 be exempted in any pilotage district would be if
27 the district concerned were one in which the
28 payment of pilotage dues was not compulsory.
29 Sheet Harbour is at present a compulsory district
30



1 and in order to change this the pilotage authority
2 would have to make a recommendation to the
3 Governor-in-Council to amend the Order-in-Council
4 setting up the district. The Minister of
5 Transport is not the pilotage authority for
6 Sheet Harbour.

7 The pilotage authority at Sheet Harbour
8 is a local body, the secretary-treasurer of which
9 is Mr. A.E. Irwin. Perhaps the local authority
10 would be quite concerned if they felt that trade
11 was being driven away from the port because of
12 the compulosry payment of pilotage dues.

13 I am sending a copy of your letter and of
14 this reply to Mr. Irwin."

15
16 Q. And the net result of all of this ex-
17 change of correspondence was what?

18 A. A letter back dated October 27th 1961
19 to the Minister.

20 "Thank you for your letter of the 12th,
21 contents of which we have carefully noted and
22 which leaves us no alternative but to exclude
23 Sheet Harbour as a port of call for our small
24 bessels. MAYFALL left Newfoundland at noon
25 and could have called in Sheet Harbour for 50
26 to 60 cords of wood. Fiberdyne Corporation
27 of Puerto Rico wants 100 cords on deck of our
28 M/V Arctic Sealer. Loading here late November
29 but we have had to tell them if they want the
30 wood they will have to deliver here as we won't



1 have the ARCTIC SEALER call at Sheet Harbour.

2 We will therefore forget Sheet Harbour as a wood
3 loading port -- " I think there is a word missing
4 here -- "for Puerto Rico has too much pilotage is
5 involved for the limited revenue which can be had
6 on small quantities of pulp wood."

7 It is signed Shaw Steamship Compay, W.A.
8 Shaw with a carbon copy sent to Mr. A.E. Irwin.

9 MR. JACQUES: May we file Exhibit 1152.
10 Correspondence exchanged with Shaw Steamship Co. with
11 respect to compulsory payment of pilotage dues in Sheet
12 Harbour.

13 --- EXHIBIT No. 1152: Correspondence exchanged
14 with Shaw Steamship re
15 pilotage dues.

16 THE WITNESS: We have heard nothing further
17 since. We do not know if Mr. Shaw has sent ships
18 there since.

19 MR. LANGLOIS: Do you know if Mr. Shaw
20 had requested a pilot before he went in the first time
21 with the Mayfall when he complained he was not met by
22 the pilot boat?

23 A. I think it said there in the first letter,
24 Mr. Langlois that there was no pilot there. I don't
25 know whether he had --

26 MR. LANGLOIS: --requested one or not.
27 You have not ascertained as to whether or not he
28 requested a pilot on that occasion?

29 A. No.

30 MR. JACQUES: That concludes the questions



1 I have planned to ask the Department of Transport, My
2 Lord, with respect to local commissions, excepting
3 New Westminster, of course.

4 THE CHAIRMAN: Tomorrow you will proceed
5 with what?

6 MR. JACQUES: With Saint John, New
7 Brunswick, My Lord.

8 THE CHAIRMAN: So we will now adjourn
9 until tomorrow morning at 10 o'clock.

10
11
12
13 --- Whereupon the Commission adjourned
14
15
16
17
18 -
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21
22
23 -
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26
27
28 -
29
30

ROYAL COMMISSION

ON

PILOTAGE

HEARINGS

HELD AT

OTTAWA

VOLUME No.:

128

DATE:

June 2, 1964

OFFICIAL REPORTERS

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ROYAL COMMISSION ON MARINE PILOTAGE

Proceedings of the hearing held
at the Tariff Board, Ottawa,
Ontario, on Tuesday, June 2nd,
1964.

COMMISSION:

The Honourable Mr. Justice Bernier,	Chairman
Robert K. Smith, Esq.,	Member
Harold A. Renwick, Esq.,	Member

Mr. Gilbert W. Nadeau	Secretary

COMMISSION COUNSEL:

Mr. Maurice Jacques, Q.C.

Mr. Leopold Langlois, Q.C., for the
Canadian Merchant Service Guild, Inc.

Mr. R.R. Macgillivray, counsel
for the Department of Transport



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TORONTO, ONTARIO

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1 CAPTAIN F.S. SLOCOMBE, recalled
2 (continued)

3 CONTINUED DIRECT-EXAMINATION BY MR. JACQUES:

4 Q. Captain Slocombe, my first question with
5 respect to Saint John, New Brunswick relates to the
6 changes in the district limits under P.C. 1964-19,
7 10th January, 1964.

8 A. This was as a result of representations
9 by the pilots about the change that had previously been
10 made. This relates to what I said yesterday about
11 this meaning of the word "limits". The old district
12 limits as described were by means of two magnetic
13 bearings intersecting off shore and at the intersection
14 of these --- The old limits were described like
15 this: The limits of the pilotage district of Saint John
16 are as follows: "Musquash Point light bearing nor'west
17 magnetic, Cape Spencer east by north magnetic, distance
18 eight miles from Partridge Island."

19 Of course, magnetic bearings, as everybody
20 knows, change from year to year so obviously this was
21 not a satisfactory description if you are looking for
22 a boundary of an area.

23 I think if I had realized before, as I said
24 yesterday, about this difference in the meaning of the
25 word "limits" we would never have touched it, but in
26 1959, maybe in excessive zeal, we changed the limits
27 to make them more convenient and made them a straight
28 line between two points of land. It seemed at that
29 time that there was no difficulty. We had no objection
30 until later it was pointed out by the pilots that they



1 sometimes went beyond this line to pick up these
2 bigger ships. We said, well, at a convenient time we
3 would change back. We hardly thought it was important
4 enough to make a special Order-in-Council.

5 However after the hearings in Saint John I
6 came back and I said, "We had better get this changed
7 back". So now we have changed it to two true bearings
8 approximately the same as the old magnetic bearings
9 were.

10 Q. When they were first originally plotted?

11 A. That is right. As I say, we have now
12 made it a limiting line of an area, but we have omitted,
13 I think, the eight miles from Partridge Island. So
14 this does now make it a limiting line for an area.

15 I still am not convinced that this was a
16 good thing to do. I think it would be better if we
17 considered limits as merely a place where a pilot
18 might be expected to be picked up. However, there are
19 differences of opinion on this and I do not think that
20 it matters.

21 Q. Has your department studied the means
22 of fixing a definite limit for the pilotage district?

23 A. We have discussed it and, as I say, there
24 are differences of opinion on it. To me -- and I am
25 not afraid to give my opinion -- I think that this is
26 wrong, that it implies that there is an invisible line
27 in the water beyond which a pilot must not go and also
28 before which an out-going pilot must not be dropped.
29 Now from the practical point of view I do not think
30 this is a good thing. I am open to conviction on this.



1 This is a matter which is still open to discussion.

2 Q. If you have not got a definite limit
3 how would you interpret the various sections of the
4 by-laws prohibiting a pilot from piloting outside these
5 district limits or imposing a penalty on a ship which
6 takes a pilot outside of the district through stress
7 of weather and what not?

8 A. I think this must be interpreted in a
9 practical fashion, that this is not intended to be
10 outside the limits in that sense -- outside, crossing
11 a line. It is a matter of taking a pilot across the
12 Atlantic for instance when it is not possible to drop
13 him at the limits of the district.

14 Q. Well let us take a complete example in
15 relation to Saint John, New Brunswick. Say a pilot is
16 unable to board off after taking a ship out of Saint
17 John. Or let us say for the sake of the example he
18 would be taken off at Digby. Then he was taken out
19 of the district limits.

20 A. This is covered in the Act. If a pilot
21 is taken away then the owners must pay his passage
22 back and must pay \$15.00 a day as well. This is a
23 practical thing. This happens in the St. Lawrence
24 sometimes. Almost every year a pilot is taken across
25 the Atlantic to Liverpool and back because he is not
26 able to get off.

27 Q. So in your view the only purpose of the
28 limit would be to indicate a boarding station?

29 A. This was the original intention. I am
30 convinced in my own mind and I think this is the



1 practical way of considering it. If you do not it
2 means that if the ship crosses this theoretical
3 invisible line, which cannot be properly fixed in
4 practice, then there should be a penalty or something
5 like this. But in my opinion this is not open to
6 a precise legal control in this sense.

7 Q. So your interpretation of the word
8 "limit" -- how would it settle the problems of a ship
9 crossing a district and not taking a pilot? We have
10 had examples on the British Columbia coast where ships
11 coming up and going to Alaska via inside passage do
12 not take a pilot and enter the district at one end
13 and go out of the district at the other end.

14 A. This to my mind is one of the objections
15 to the compulsory payment feature when it covers a
16 large area. When this compulsory payment was granted
17 to the pilots of British Columbia it was clearly
18 understood that such ships passing through the district
19 without touching a Canadian port would not be billed.
20 If this had not been understood -- maybe it is not
21 legal, but if this had not been understood they would
22 not have been granted a compulsory payment at the
23 time.

24 We will have this when we discuss British
25 Columbia.

26 Q. What I meant was, if your interpretation
27 of the word "limit" is merely a boarding station those
28 ships sailing through a district would not be
29 contravening the law?

30 A. That is correct. If they were just



1 crossing the line a few yards or something like this
2 it would not matter. As I say, I feel that this must
3 be taken -- it must be understood that a pilot is there
4 trying to give service to ships. He is not setting up
5 a toll gate saying, "You pass this toll gate, you pay
6 me money even though I am not giving you any service".
7 Surely this is not the intention and I am sure our
8 friends the pilots do not intend this. If they do, I
9 would not agree with them.

10 Q. Now, sir, the second question deals with
11 the appointment of additional pilots and reference is
12 made ---

13 THE CHAIRMAN: Excuse me, before we pass on to
14 the other question, there was a complaint to the effect
15 that in the Bay of Fundy the boarding place was
16 not correctly described. It is said there the pilot
17 boat meets the ships between the Fairway buoy
18 and Partridge Island. I was wondering whether this
19 has anything to do with the district limit.

20 THE WITNESS: This just bears out my
21 contention on this matter, my lord. I had forgotten
22 that if I knew it, but this just bears out my
23 contention that the idea of a district limit is not a
24 line beyond which you must not go. It is merely a
25 convenient place where the pilot can be boarded, and we
26 know very well that the pilot boat does not always
27 have to go out to the extreme limits as described
28 in the by-laws.

29 THE CHAIRMAN: But as a matter of fact the
30 pilots complained over there that this was not their



1 boarding area anyway because it was much further
2 seaward and there was an error in the pilot book.

3 THE WITNESS: They were complaining this was
4 far too seaward?

5 THE CHAIRMAN: Further inside.

6 THE WITNESS: Further inside?

7 THE CHAIRMAN: That is right.

8 THE WITNESS: It is a matter of bringing this
9 to the attention of the Hydrographic service in order
10 to change the Bay of Fundy pilot book. The
11 Hydrographic service put out the pilot books -- sailing
12 directions. They put in whatever is asked to be put
13 in. The purpose of the book is to assist incoming
14 masters.

15 THE CHAIRMAN: And who should do the asking?

16 THE WITNESS: Well, I do not know whether
17 we have already brought this to the attention of the
18 Hydrographic service. We do try to check these
19 books put out by the Hydrographic service from time
20 to time and if we see anything that is obviously wrong
21 or misleading we suggest that they change it in the
22 next printing.

23 THE CHAIRMAN: So you have evidence of that
24 in the brief of Saint John, the transcript of evidence
25 at page 110 and following and 222 and following.

26 THE WITNESS: We will look into that, my lord.

27 MR. JACQUES, Q: The second question
28 concerns the appointment of additional pilots and
29 refers to a letter to Mr. Miller dated December 28th,
30 1962, your file No. 8500-8-33.



1 A. Yes. The appointment of an additional
2 pilot at Saint John has been under discussion for a
3 long time. In September, 1962 Mr. R.V. Cobham, who is
4 here, visited Ottawa accompanied by Mr. Orance Hamelin
5 to urge the appointment of an additional pilot to
6 bring the number up to ten again. The main argument
7 advanced was the desirability of having two ~~watches~~.

8 The local supervisor -- and I may bring to
9 the attention of the Commission that this was an
10 instance of the pilots going over the head of the local
11 supervisor to the Department -- was instructed to
12 sound out the local agents on the matter. The reply
13 was that the local shipping committee saw no objection
14 provided no increase in tariff was contemplated. It
15 was considered nevertheless desirable to write to the
16 Shipping Federation head office in Montreal and inform
17 them that we proposed to appoint another pilot at
18 Saint John.

19 The reply expressed shock that the Department
20 would even contemplate such an action in view of the
21 very low average work load of the existing staff and
22 registered the strongest opposition to any further
23 appointment. The Department was bound to agree that
24 the arguments of the pilots were not very convincing
25 and I was sent down to Saint John to discuss the matter
26 on the spot with the pilots.

27 Q. Excuse me; you say that the reasons put
28 forth by the pilots were not very convincing. Would
29 you summarize again these reasons and tell us why you
30 did not think they were convincing?



1 A. These will be summarized in this letter
2 from the Minister.

3 Q. I see; thank you.

4 A. I was sent down to Saint John to discuss
5 the matter with the pilots and after my return and
6 report the letter dated December 28th, was it?

7 Q. That is my reference.

8 A. December 28th from the Minister to Mr.
9 Miller --- Is a copy of this on file?

10 Q. No.

11 A. Oh, I have a copy here.

12 MR. JACQUES: Could we file it as Exhibit
13 1153?

14 ---EXHIBIT NO. 1153: Letter from Minister of Transport
15 dated December 28th, 1962 addressed
16 to Pilot Miller, Saint John,
New Brunswick.

17 THE WITNESS: May I read this letter?

18 MR. JACQUES, Q: Yes, please.

19 A. "Dear Mr. Miller:

20 I have now a full report
21 following Captain Slocombe's visit
22 to Saint John on the question of
23 the need for an additional pilot
24 in your district and I am able to
25 reply to your letter of December
26 11th, which I acknowledged on
27 December 12th.

28 As I am informed, the points
29 you have put forward in support
30 of your request for an additional



1 pilot are (a) that in the tidal
2 waters and weather conditions
3 that prevail in Saint John
4 harbour a new pilot requires a
5 lengthy period of training and
6 familiarization before he is
7 fit to take his place as a full
8 fledged pilot; (b) that
9 immediate steps should be
10 taken for a replacement of
11 your senior pilot who may find
12 it necessary to retire at an
13 early date, and that the second
14 senior pilot will be 70 years
15 old in three years; and (c)
16 that the pilots have undertaken
17 not to make the appointment
18 of a new pilot the occasion for
19 a request for an increase in
20 pilotage rates, although the
21 rates have remained unchanged
22 for many years.

23 All these points would be
24 quite valid as arguments for the
25 requested increase in staff if
26 the volume of work was sufficient
27 to keep the present staff fully
28 occupied. In this regard I
29 am afraid the facts are inescapable.
30 The record shows that, taking



1 your own work as typical, in
2 1962 there were the following
3 number of calendar days on which
4 you performed no pilotage
5 service -- January, 15 days;
6 February, 8 days; March, 10;
7 April, 22; May, 25; June, 22;
8 July, 21; August, 22; September,
9 22; October, 21; November, 20.

10 It is realized that in order
11 to have these days free of duty
12 it was necessary for the pilots
13 to deter from a strict 'tour-de-role'.
14 Occasionally it meant a pilot
15 would take two or more turns
16 one after the other. In such a
17 situation the only possible way
18 of discussing work load is on
19 the basis of averages.

20 In this respect it is found
21 that in your busiest month in
22 1962, which was February, your
23 average daily period of duty
24 was 4.4 hours. This included a
25 generous average allowance of
26 one hour for every job to cover
27 time spent in the pilot boat
28 proceeding to or from a
29 ship.

30 Even if the district should



1 suffer an unexpected reduction
2 in staff it appears that the
3 work load could be distributed
4 amongst the remaining pilots
5 without undue strain of any
6 individual and under the
7 circumstances it seems clear
8 that it would be very difficult
9 to demonstrate the need for the
10 appointment of a new pilot
11 at this time. However, the
12 situation will be kept under
13 scrutiny and I have no doubt
14 that the Royal Commission on
15 Pilotage will include the
16 matter of work load in its
17 studies."

20 --

24 --

29 --



1 Q. With respect to this letter, my views
2 of Saint John are as follows. It is entitled "load."
3 The number of vessels in the port are limited to a
4 very short given period of time each day -- that is
5 on high water -- and I would imagine that the work
6 load of the pilots -- well, not the work load, but
7 rather the number of pilots required to perform the
8 necessary services -- would be such a number that
9 would move all ships that want to move during the
10 very short given period of time. Does that agree
11 with your view?

12 A. Oh, yes, this is fully understood; and
13 this was one of the arguments that was put to me
14 when I discussed the matter with the pilots.

15 Q. Then, I can't see how you can talk
16 about monthly averages, then.

17 A. I quite agree; but on the other hand
18 it was not shown that there had been any occasion
19 when there were more ships moving at one time than
20 could have been handled.

21 Q. By the watch?

22 A. By the watch, yes.

23 COMMISSIONER SMITH: That letter is dated
24 December, 1962, as I understand?

25 THE WITNESS: Yes; December 28th, 1962.

26 COMMISSIONER SMITH: What is the position now
27 compared to what it was when this letter was written?

28 THE WITNESS: We haven't had any information
29 that, put on paper, could counteract what has already
30 been said.



1 THE CHAIRMAN: I may say that I have asked
2 that the work load be checked for 1963. I have asked
3 our staff to do that, so it is coming up.

4 THE WITNESS: Yes; that is good; and you can
5 be assured if the need can logically be shown there
6 would be no difficulty.

7 We have been mixed up in pilotage for a long
8 time and we are inclined really to say "If the pilots
9 want it why not give it to them?" and we have been
10 criticized for that; but when one has to put the facts
11 in cold logic down on paper we have found it
12 sometimes difficult to convince the people who have
13 to make decisions on it.

14 COMMISSIONER SMITH: On those lines, captain,
15 in the matter of the expense, there is no additional
16 expense to anybody. The pilots distribute their
17 earnings over ten instead of nine; and basically what
18 is the main objection, whether it be one, two, or
19 three? Is it that later on they may come along and
20 say, "We should have an increase because our earnings
21 are reduced"?

22 THE WITNESS: This is exactly the point, Mr.
23 Smith. This has happened in the past. I am not
24 saying it has happened in Saint John but it has
25 happened in some districts in the past; and this has
26 been pointed out to us by the Shipping Federation.

27 COMMISSIONER SMITH: That is the main
28 objection to increasing the number of pilots?

29 THE WITNESS: This is so.

30 THE CHAIRMAN: From the information I have



1 here, in 1959 there were eight pilots with 1306 ships.
2 Of course, this is spread out during the year. At
3 that time it was mostly during the winter because
4 the refinery was not there as yet, or was just coming.
5 In 1960 the number was decreased to eight pilots, but
6 the number of ships increased by over 200 to 1562;
7 but at that time they were relieved of manning the
8 pilot boats; is that right?

9 THE WITNESS: Yes.

10 THE CHAIRMAN: And the position remained
11 about the same thing for 1961; and then the number
12 was increased to nine in 1962 and the number of ships
13 decreased by some 80 to 1499; and last year, in 1963,
14 it decreased again to 1411. So that apparently is
15 the position now. There are about 80 ships less
16 than they have before; is that right?

17 MR. LANGLOIS: Captain Slocombe, in this
18 letter from the Minister which has been filed as
19 Exhibit No. 1153, mention is made of the work load.
20 Was consideration given to the fact that the pilots
21 in Saint John do the dispatching, contrary to what
22 is done in most districts? Do you take that into
23 consideration?

24 THE WITNESS: Yes.

25 MR. LANGLOIS: How do you enter that into
26 the work load of the pilot -- that is, the work done
27 by the pilots in the dispatching to ships?

28 THE WITNESS: I don't want to run down in
29 any way the work done by the pilots in the dispatching.
30 I have sat there -- I think it was during this visit



1 I spoke of -- I made an unexpected visit to the pilot
2 office -- the dispatching office -- and I sat there
3 for most of the evening just watching operations and
4 listening. The telephone was busy almost all the
5 time.

6 It happens that there was a ship held outside
7 for some reason -- a passenger ship -- and there were
8 calls coming in from the public all the time; and
9 that telephone was busy. But whether or not the
10 fact of having a pilot waiting for his job in the
11 pilot office is sufficient to justify extra pilots
12 is another matter.

13 There is no question that in the work load
14 that we mentioned in the consideration of this, as
15 set out in the letter from the Minister, there is
16 included an extra hour as an average period of one
17 hour of the time spent in the pilot boat for every
18 job and this is felt to be generous because very
19 often there is very little time spent.

20 THE CHAIRMAN: I understand that in Saint
21 John, New Brunswick, there is a special feature that
22 doesn't exist anywhere else and that is that their
23 harbour, being a tidal harbour, they are obliged to
24 do the work coordination themselves on account of the
25 tides and on account of the ability of the tugs; they
26 are talking to these tugs and they have to make use
27 of every consideration; and some jobs are given
28 priority because they are only limited to a few
29 minutes, or half an hour, or an hour, while others
30 could be spread over a longer period; so therefore in



1 order to do the job one has to have the knowledge of
2 a pilot in order to know when these ships can be
3 moved, because it is not like Montreal, for instance,
4 where it is only a police matter -- the traffic
5 control -- while over there it is really part of their
6 pilotage duty to do it.

7 MR. JACQUES: It is a navigation problem.

8 THE CHAIRMAN: It is a navigational problem;
9 so it would appear to be part of their work load.
10 That is a feature that doesn't arise anywhere else.
11 Do you agree?

12 THE WITNESS: This is so; and the shipping
13 people -- the shipping agents -- have always, up to
14 the time of the hearing, almost insisted that they
15 wanted that and that they wanted to be able to talk
16 to the pilot who was going to move the ship.

17 THE CHAIRMAN: Even at Erie Mr. Payne would
18 like to get them more organized and have more co-
19 ordination.

20 THE WITNESS: This is so; and this is a
21 feature of Saint John; but there still has not been
22 presented any reason why the present set up and the
23 present number of pilots presents an over-load on
24 any pilot.

25 I am not suggesting, my lord, that this
26 average of 4.4 hours a day was all the time that the
27 pilots had to do with pilotage. This is a twenty-four-
28 hour a day job, as you might say, and pilots are very
29 much concerned with shipping all the time.

30 THE CHAIRMAN: I was impressed that at Saint



1 John the pilotage is, of course, different from other
2 places, and it is more precise; it is more like --
3 I don't like making comparisons -- but it is like a
4 fireman in his fire house -- saying that because he
5 has no fire he is not on the job; while, in Montreal,
6 it is more like -- well, the work load is so many
7 hours and you have so many ships and they go out and
8 they board and they are not limited ---

9 THE WITNESS: When they do go on the job
10 in Montreal they are on from seven to ten hours.

11 THE CHAIRMAN: It is different -- river
12 piloting.

13 THE WITNESS: Yes.

14 THE CHAIRMAN: By this feature of the service
15 they are obliged to use their experience for the
16 peak period during the winter months; so it makes it
17 very difficult to compare with their work load
18 with the work load in Montreal.

19 THE WITNESS: Yes.

20 MR. JACQUES: If a pilot is late in Montreal
21 for one hour then the ship is delayed one hour, while
22 in Saint John if the pilot is late one hour it may
23 mean a delay of six hours or twelve hours depending
24 on the tide.

25 THE CHAIRMAN: It could be a day.

26 MR. JACQUES: Twelve hours between high
27 water and low water.

28 THE CHAIRMAN: But most of the ships are
29 brought in by daylight; so it may be a twenty-four
30 hour delay.



1 MR. JACQUES: A twenty-four-hour delay.

2 THE WITNESS: This is so; and there is no
3 question that the pilots in Saint John are responsible
4 for the efficient movement of the ships in the harbour
5 at the proper time and they take this responsibility
6 seriously. There is no thought of derogating in any
7 way from the work done by the Saint John pilots. We
8 are well aware that they are acting as dispatchers.
9 Apparently this has been the only way to do it in
10 Saint John.

11 COMMISSIONER SMITH: I would like just to
12 get clear in my mind the average of 4.4 hours. Does
13 that include everything and also the pilot holding
14 himself in readiness?

15 THE WITNESS: No.

16 COMMISSIONER SMITH: It doesn't?

17 THE WITNESS: No; this is only the time
18 shown on the pilot's card -- the boarding of the ship
19 and the time he leaves the ship, plus one hour of
20 the time he may have spent on the pilot boat.

21 COMMISSIONER SMITH: Thank you.

22 MR. LANGLOIS: So, Captain Slocombe, the
23 question I was asking you was this, as to whether or
24 not in computing all the work load you are taking
25 into consideration the dispatching and the movement
26 control done by the pilots, and your answer to that
27 is No; is that correct?

28 THE WITNESS: Those figures do not include
29 it; but this is taken into consideration by the
30 Department in assessing whether or not a pilot is



1 needed.

2 MR. LANGLOIS: But in this letter it is not
3 taken into consideration?

4 THE WITNESS: Those figures do not include
5 that.

6 Now, if there were an organized system of
7 watches done at the pilot station, or something like
8 that, on which we could really base what is being
9 done, this might help, to persuade the Department that
10 an extra pilot was necessary; but this is very
11 difficult to guess because the pilots -- and we have
12 no desire to change this -- the pilots work this
13 among themselves and we have not interfered with it.
14 This is a local problem, and if this is the way
15 they wanted to do the work we saw no reason to
16 interfere so long as the shipping people were happy
17 about it.

18 MR. LANGLOIS: Captain Slocombe, is it not
19 a fact that this movement control, or this fact that
20 the pilots in Saint John are constantly giving
21 advice to the shipping, has resulted in quite a
22 saving in the port of Saint John in the movement of
23 ships in the harbour and the calling of stevedores.
24 The pilots are saving quite a bit of money to the
25 shipping industry?

26 THE WITNESS: I would think that would be
27 the case, yes.

28 MR. LANGLOIS: Now, I have here three
29 excerpts taken from the log of the pilot boat at
30 Saint John for the year 1962. The first one is



1 dated April 8th, 1962 and I see here that at 11:20
2 pilot Merriam boarded the pilot boat in order to board
3 the CHEVRON TRANSPORTER, and due to weather the trip
4 was cancelled and he disembarked from the pilot boat
5 after this unsuccessful attempt to do the job at
6 14:00; so he was for two hours and forty minutes on the
7 pilot boat. Would that be included in the working
8 load of this particular pilot for that day?

9 THE WITNESS: It would, in fact, be included
10 in the average.

11 MR. LANGLOIS: Is it included in the figures
12 given in this letter?

13 THE WITNESS: This one hour for every job ---

14 MR. LANGLOIS: But this is two hours and
15 forty minutes.

16 THE WITNESS: But one hour for every job
17 means that many times there would be more than one
18 hour; but very many times there would be less than
19 one hour.

20 MR. LANGLOIS: But there was no job performed.
21 I am given to understand that this is never taken into
22 consideration in the work load?

23 THE WITNESS: I imagine that particular one
24 was not; but this hour for every job includes instances
25 in which the pilot boat was not used at all.

26 MR. LANGLOIS: I have another one on May 30th,
27 the same year. Pilots Alexander and Quinn boarded
28 the pilot boat at 06:20 and the job was cancelled.
29 They disembarked at 09:45. They were, then, on the
30 pilot boat for three hours and fifty minutes; and this,



1 then, is also not included in the work load for these
2 pilots as computed for the purposes of this letter
3 here?

4 THE WITNESS: Perhaps not in that sense, but
5 I think you would still find, if you look at it, that
6 this hour for every job would more than cover it.
7 This is our information.

8 MR. LANGLOIS: But how can you say that when
9 you are not taking into consideration the cancellations?

10 THE WITNESS: Yes; but you must take into
11 consideration the times when the pilot boat is not
12 used at all. As I understand it, on every job one
13 hour is added whether they were on the pilot boat or
14 not.

15 MR. JACQUES: Was this average of one hour
16 per trip ever discussed with the pilots? Was there a
17 meeting of minds on this allowance?

18 THE WITNESS: I think that it may have been
19 checked with the superintendent -- the local supervisor;
20 but it is a purely arbitrary figure that we were quite
21 convinced would more than allow for this period on
22 the pilot boat.

23 MR. JACQUES: So that the record will be
24 clear: You say one hour per trip. Do you mean in an
25 actual trip, or do you mean a pilotage card; because for
26 cancellations there would be a pilotage card filled
27 out but it wouldn't be a trip? ---

28 MR. LANGLOIS: It is a fact that there would
29 be no card if it was a cancellation for stress of
30 weather?



1 THE WITNESS: Yes.

2 MR. JACQUES: There is no card made for
3 cancellation for stress of weather?

4 THE CHAIRMAN: Is this really to the point
5 here so far as the appointment of ten pilots is
6 concerned. The criterion would be having to meet the
7 traffic in the peak period, so it doesn't matter what
8 the average is. If he didn't work for nine months
9 it doesn't matter. For one, two or three months you
10 have a very big period and you need pilots, and if
11 you don't have them and there are ships in the harbour
12 then the ships are going to be delayed for twenty-four
13 hours; then we have to increase them either by
14 temporary pilots for three or four months ---

15 THE WITNESS: This is so; and I don't think
16 we have been informed of any cases when there were not
17 pilots available.

18 THE CHAIRMAN: This is the answer to the
19 problem; not the other discussion we were having.

20 THE WITNESS: The discussion we have been
21 having is inevitable as soon as you talk about averages.

22 THE CHAIRMAN: But I don't think it has any
23 bearing in Saint John. It may have a bearing in Quebec
24 but I don't think it has any bearing in Saint John.
25 This is my own opinion now, from what I have seen.

26

27 --

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1 MR. JACQUES: We are already discussing the
2 next question, my lord, unfortunately because I think
3 we all agree that we can take Churchill, for instance.
4 You can average the number of trips throughout 365
5 days and you might only need half a pilot on the
6 average.

7 THE CHAIRMAN: Yes.

8 MR. JACQUES, Q: Now, Captain Slocombe,
9 if we may move over to the next question about the
10 method of computing the work load. That has been
11 explained in Montreal by Captain Jones who gave
12 evidence with respect to the river district. Now
13 can you give us an idea how this work load is calculated
14 say in Saint John, New Brunswick? You have given
15 most of it anyway but was it discussed with the
16 pilots?

17 A. It was. The pilots were informed through
18 the local supervisor.

19 Q. That their work load would be calculated?

20 A. Oh yes.

21 Q. Was the method discussed with them?

22 A. Well, unless the local supervisor did
23 it when we -- when you say "discussed" do you mean
24 beforehand and asked whether this would be satisfactory.

25 Q. Yes?

26 A. No, I don't suppose that was done. This
27 was again a mathematical concept that was conceived
28 and was forwarded to the local supervisor informing
29 him that this was to be the way of calculating the
30 work load.



1 Q. There was no prior discussion with
2 the pilots to ask their views on what factors may be
3 included in the work load?

4 A. No, but we had, of course, had lots of
5 discussions with the Pilots Committees before in which
6 they had raised all the arguments that we have heard
7 today. We were well aware of all the things that have
8 been said today.

9 THE CHAIRMAN: Am I right in saying that when
10 you started this method of calculating the work load
11 you tried to have the same criterion for all the
12 districts, in order to make a comparison between
13 them?

14 THE WITNESS: Yes, sir, this is correct.

15 THE CHAIRMAN: So the meaning of "work load"
16 at one place should be the meaning for "work load" in
17 the other place and should be comparable.

18 THE WITNESS: That is the idea, sir.

19 THE CHAIRMAN: And as to whether the work
20 load varies from one place to another or is more
21 important at another place, that is another question
22 altogether.

23 THE WITNESS: This is it, sir.

24 MR. JACQUES, Q: The next question and
25 question 8 and 16 cover the pilot boat operations.
26 Would you summarize for the Commission the development
27 and the history of the pilot boat operation in Saint
28 John? When and why was it taken over and what
29 discussions were there relating to changes of the type
30 of boat or replacement of the boat.



1 A. I have here four, seven, eight and
2 fifteen. May I answer them altogether?

3 Q. Yes.

4 A. The Department suggested the possible
5 use of a similar boat at Saint John to those used at
6 Les Escoumains but the pilots claimed this type of
7 boat is not suitable on heavy sea conditions.

8 Q. Was it tried out in Saint John?

9 A. Yes, it was. There was a boat put
10 down there, a new boat before it went to Les Escoumains.

11 Q. One of the Les Escoumains boats was
12 down there?

13 A. Yes. The pilots didn't like it.

14 Q. The pilots didn't like it. Did your
15 local supervisor make a report to you on the suitability
16 of that boat?

17 A. Yes, I think so. Yes, there was a
18 report from the local supervisor. He agreed with
19 the pilots that it was not suitable in its then state.

20 MR. LANGLOIS: Captain Slocombe, was not this
21 boat originally designed for Les Escoumains work at
22 Les Escoumains?

23 THE WITNESS: Yes.

24 MR. JACQUES, Q: Please continue.

25 A. As I say, this covers other questions
26 here. Actually the pilot boats and stations ceased
27 being owned by the pilots when the Minister of Marine
28 and Fisheries became the Pilotage Authority. The
29 upkeep of the boats and stations was part of the
30 expense of the district and payable out of the pilotage



1 fund before the amount to be divided among the pilots
2 was arrived at.

3 In those days the pilots looked after the
4 station and acted as masters of the pilot boat. In
5 1950 the full expenses in connection with pilot boats
6 and the stations was assumed by the Department out
7 of a parliamentary appropriation. At first the
8 arrangement was that the costs would continue to be
9 paid out of the pilotage fund and, this is out of
10 revenue, and would be reimbursed monthly by the
11 Department. The pilots still acted in turn as master
12 of the pilot boat and the crews continued to be
13 employees of the pilotage authority not of the
14 government. They were not classed as government
15 employees.

16 This worked well for a while then it became
17 evident that the situation was anomolous. Men were
18 working for the Department and yet they were not
19 working for the Department.

20 In 1959 authority was obtained to pay all
21 the costs directly and to make the pilot boat crews
22 government employees so that they could have whatever
23 benefits attached thereto.

24 At the same time the pilots were relieved
25 of the duty as acting as masters of the pilot boat.
26 This was considered desirable because this was
27 definitely directly departmental property and it
28 should be looked after by a man paid by the
29 Department.

30 Masters were appointed directly responsible



1 to the Department through the local supervisor of
2 pilots.

3 As to equipment. The boat was equipped
4 with radar and so/as funds became available. At the
5 time of the hearing at Saint John an echo sounder
6 was on order and has since been supplied but I am
7 informed by/Cobham the pilots are not at all happy with
8 it. We have not spent enough money yet on it
9 apparently. There is an echo sounder being supplied
10 through the tele-communications branch. We thought
11 this probably would fill the bill but we hear now
12 that the pilots want another type which will, of
13 course, be more expensive.

14 Q. I think I am inclined to agree with
15 Captain Cobham. They are perhaps more suitable for
16 their purpose. They want to carry out surveys on
17 their own to find depth of waters. I am given to
18 understand that the echo sounder supplied at the
19 moment is of the flash type; whilst they want one
20 with a tracer on it so that they can run a line and
21 plot it on the chart.

22 A. This is what we have just learned this
23 morning, my lord. We will no doubt get a report on
24 this and we will certainly see what can be done, if
25 there is any money left in the government coffers.

26 Q. Can you tell me the reason for this
27 evolution in the administration of the district? Why
28 did the Department take over and pay the expenses?
29 Why not just increase the rate and pass it on to
30 shipping? Why was it decided to spend public funds



1 for that?

2 A. I think that the Commission already has
3 on file copies of the Order-in-Council dealing with
4 this matter and the reason given in the Order-in-
5 Council was so that the pilots could be ensured of
6 adequate remuneration without an increase in rates
7 so in effect this is a subsidy too.

8 THE CHAIRMAN: And also for the other
9 districts so there would be no discrepancy between the
10 two?

11 THE WITNESS: This is so, my lord.

12 The Commission may be interested, before we
13 leave the matter of the pilot boat and the ownership
14 of the pilot boat, we have dug out of old files here
15 -- at least we have got this out of the Register Book
16 of the Schooner DAVID LYNCH. This vessel was
17 registered at Saint John, N.B. on April 12, 1894 in
18 the names of John Smith Thomas, William Mirror,
19 John L.C. Charade, Henry Speers and John Speers
20 as joint owners.

21 THE CHAIRMAN: These were the pilots?

22 THE WITNESS: All these were branch pilots at
23 Saint John, N.B. During the next ten years we have
24 learned from the Registrar of Shipping at Saint John
25 there were 41 transactions of various kinds on the
26 register of the vessel. That is a passing of shares
27 from one person to another. Our records here only
28 go from 1904. After 1904 we have records of
29 consecutive transactions from No. 42 to 118 and during
30 this time shares were transferred from one pilot to



1 another, from pilots to merchants in town, back from
2 merchants to pilots and there were mortgages on the
3 shares and so on. On May 4th, 1921 the vessel was
4 sold -- I am sorry that is wrong.

5 MR. COBHAM: That is right.

6 THE WITNESS: Transaction 118 on May 4th,
7 1921?

8 MR. COBHAM: Sold by the pilots.

9 THE WITNESS: To whom?

10 MR. COBHAM: To a party in the West Indies.

11 THE WITNESS: On June 4th, 1920 there is a
12 little discrepancy here in the order. On June 4th,
13 1920 the Minister of Marine and Fisheries as pilotage
14 authority for the port of Saint John acquired title
15 to the DAVID LYNCH and under that transaction 116,
16 James Henry Miller, Thomas Traynor, and William
17 Patrick Traynor, all branch pilots and each separate
18 owners of eleven shares transferred their interest
19 to the Minister of Marine and Fisheries.

20 Under transaction 117 William Scott, owner
21 of eleven shares and Thomas John Scott, owner of
22 ten shares and John Florence Abbott, owner of ten
23 shares, all branch pilots transferred their interest
24 to the Minister of Transport. I haven't got what
25 consideration was involved in this transaction but
26 I hope to be able to get a copy of the Bill of Sale
27 and deposit it with the Commission.

28 THE CHAIRMAN: I understand there was more
29 than one pilot boat?

30 THE WITNESS: Yes. I haven't got this



1 information, my lord but this is an example of the
2 kind of ownership of the pilot boats existing before
3 the Department took over.

4 THE CHAIRMAN: From the Smith report I found
5 that there were three or four pilot boats owned by
6 the pilots and competing one against the other in order
7 to get the clientele from the ships coming. There
8 were also what they called the flag shares. A pilot
9 who did not own shares in a ship was permitted by
10 the commission to use a small fishing boat or
11 something to board a ship so he had a flag share.

12 MR. LANGLOIS: At one time, my lord, there
13 were as many as six pilot boats in Saint John.

14 THE WITNESS: I see. Your research, my lord,
15 has provided you with more information than mine.

16 THE CHAIRMAN: Different.

17 MR. JACQUES, Q: Now, most of the pilot boats,
18 even though paid for out of pilotage revenues, are
19 registered in the Crown's name? Is that correct?

20 A. This is so.

21 Q. Why not in the name of the pilotage
22 authority?

23 A. Because now there is not -- it is not
24 the pilotage authority now. They are owned directly by
25 the Crown. If they were owned by the pilotage authority
26 as such then they would be connected with the local
27 pilotage fund but now the boats have nothing to do
28 with the pilotage authority in the sense of ownership.
29 They are supplied to the pilotage authority for use.

30 THE CHAIRMAN: The same thing as the other aids



1 to navigation like the buoys, etc.

2 THE WITNESS: There is a parallel there, I
3 assume, my lord. When we come to the Sydney discussion,
4 my lord, I will be able to produce a document showing
5 how these pilots handed over to the Department.

6 THE CHAIRMAN: Right.

7 MR. JACQUES, Q: If I may move now ---

8 COMMISSIONER SMITH: My lord, before we move
9 on there is a question I should have asked on the
10 previous subject but I will ask it now, if you have
11 no objection.

12 THE CHAIRMAN: Go ahead.

13 COMMISSIONER SMITH: Captain, there seems
14 to be some overlapping in the duties and responsibilities
15 in the harbour between the harbour master and the
16 pilots. Apparently the pilots are voluntarily and
17 very efficiently, I am told, performing services that
18 the harbour master should perform, such as assigning
19 berths to which the ships go and other services, which
20 admittedly helps to keep efficiency at top peak. I
21 am wondering if that sort of overlapping of duties is
22 consistent with the role that the pilots should play
23 in these harbours.

24 THE WITNESS: Mr. Smith, is that correct?
25 The term "assigning berth" -- is that the correct
26 term? It is not my understanding that they decide
27 what berth a ship should go to. It is my understanding
28 they are informed from some other source, whether an
29 agent or from the harbour master, that a ship is to
30 go to a certain berth and they take her there.



1 COMMISSIONER SMITH: Maybe I misunderstood
2 it but according to my notes "assignment" was the
3 description of the order that was issued by the pilots
4 with the permission, mind you, of the harbour masters.
5 It was agreed all around that this was the best way
6 to provide the most effective service to ships in
7 the harbour. It was quicker and the pilots knew
8 better where to designate the proper berth where the
9 ship was to go and so on.

10 THE WITNESS: I hardly think this is the
11 case. I think there must be a misunderstanding there
12 because it obviously is not within the province of
13 a pilot to know -- to decide at least where a ship
14 will go to load or discharge. This is decided by
15 other concepts than the pilot is possessed of.

16 COMMISSIONER SMITH: I think this is what
17 happened and my recollection is that the agent instead
18 of asking the harbour master and the harbour master
19 agreeing with the pilot that this procedure was
20 suitable to him, they would, after hearing from the
21 agents, deliver a ship to berth so and so and
22 designate the berth and assign it. Maybe I have
23 misunderstood this whole thing. That is my
24 understanding of it which seemed to be overlapping
25 of responsibility.

26 THE WITNESS: Mr. Smith, I am quite sure
27 that if the pilots were given information of this
28 kind it must be that they got it from a source which
29 is satisfactory, which is reliable. It is not a
30 decision that they make themselves.



1 COMMISSIONER SMITH: They get it from the
2 harbour master?

3 THE WITNESS: Well then, all they are doing
4 in that case is passing on information.

5 COMMISSIONER SMITH: Well I think they are
6 passing on information but I think what they are
7 doing is making certain selections at the same
8 time.

9 THE WITNESS: Well, I am not able to answer
10 that. If it is so we were not aware of it but I may
11 say it is quite common for a pilot to inform a master,
12 "Captain, you are going to berth No. so and so". But
13 the pilot gets this information from the appropriate
14 source. The pilot, of course, must know where the
15 ship is to go before he can take her there.

16 COMMISSIONER SMITH: In any event it was
17 agreed all around that this was the best system to
18 follow. My point was that the system was not in
19 accordance with the responsibilities of the various
20 officials that operate it. However, I do not want
21 to go on.

22 THE CHAIRMAN: The information is that in
23 Saint John the harbour master's duty is to allocate
24 the berths. That was what we were told. I have a
25 note that the traffic control is done by the pilot
26 and the work of the harbour master and the pilot do
27 not conflict. But it is clearly admitted the
28 circumstances here are different and abnormal. He
29 merely allocates berths. He added that he was not
30 concerned as to what time they would dock. He would



1 not tell them in which order to come in and what time
2 they would dock, just tell them what berths to go
3 to.

4 MR. JACQUES: If your lordship pleases, it
5 is found in the evidence of Captain Griffith at page
6 259, volume 3. In answer to the following question:

7 "Q. Would you outline briefly
8 for the Commission what
9 your duties are as harbour
10 master?

11 A. Mainly to allocate the berths
12 to the ships that are coming
13 in or are going out and re-
14 arrange another berth.

15 The agent calls me up and
16 says, 'The S.S. so and so,
17 is due on the 17th with so
18 much cargo', and we discuss
19 which berth would be best
20 for the ship and we agree
21 that the vessel will go to
22 such and such a berth.

23 Q. In your job do you set the
24 time or the location of
25 moveages in the
26 harbour?

27 A. Not time -- location.
28 There may be a ship in that
29 berth. Naturally the berth
30 has to be empty. If there



1 were two ships on side and
2 two empty berths I would
3 not direct which one goes
4 first. I think on one
5 or two occasions I have
6 called the pilots and
7 said, 'The agent says it
8 is very important to get
9 this ship in.' It is
10 sort of an emergency and I
11 have called a pilot and
12 asked him to do it, but
13 not more than twice."

14 And it goes on further. In his duties he
15 does not set the time at which the ship must dock or
16 undock, just the place where she should dock.

17 THE WITNESS: This is entirely reasonable,
18 my lord. The harbour master says that such and such
19 a ship must go to such and such a berth and another
20 ship will go to another berth. The pilots are the
21 people who have to get these ships to their berths
22 and if by taking a ship -- I am only just giving
23 hypothetical cases now -- if by taking one ship first
24 to a certain berth it is going to block the approach
25 of another ship, obviously the pilots in their
26 expert knowledge of the matter will say, No, this
27 ship had better move first.

28 This is entirely reasonable, I think, my
29 lord.. This is part of the expert work of the pilots.

30 MR. LANGLOIS: My lord, I think it should be



1 pointed out that this is special to Saint John.

2 THE CHAIRMAN: That is what I said.

3 MR. LANGLOIS: It is not done elsewhere.

4 THE CHAIRMAN: That is why I made a comparison
5 with Montreal and Saint John which are altogether
6 different as to the words of traffic control. We
7 found very often words are used with very different
8 meanings. It leads to confusion at times.

9 MR. JACQUES, Q: The questions are so
10 logical that we have again trenched the following
11 question. Would you continue and take it up?

12 A. On the movement control -- "Has the
13 D.O.T. thought of regulating it and was it aware of it?"

14 No, the D.O.T. has not considered regulating
15 movement control because the system followed by the
16 pilots has appeared to be quite satisfactory and the
17 local shipping agents have always stressed that they
18 were satisfied with the situation. They wanted to
19 talk to the pilot who was going to move the ship. As
20 far as this made the local shipping people happy there
21 was no reason for us to try to interfere.

22 Q. Question No. 9 with respect to the
23 choice of tugs by pilots ---

24 A. In our opinion the ordering of tugs is
25 a local matter, not one for interference by remote
26 control.

27 Q. But have you thought of deciding whether
28 it is part of a pilot's duties to order tugs or to
29 accept or refuse certain tugs?

30 A. Since the pilots are the acknowledged



1 experts in local knowledge of tidal conditions and
2 the agents did not question their advice it was perhaps
3 natural that they should be allowed to coordinate the
4 ordering of linesmen, tugs, etc. But whether they
5 should be entitled to refuse tugs or to order tugs
6 on their own account, this is another matter
7 altogether.

8 After all, the master of a ship is the one
9 responsible for the ship and if the master of a ship
10 refuses to accept the advice of a pilot in such a
11 matter, then I would say that the pilot cannot be
12 blamed for what happens afterwards.

13 Q. Agreed, but what about the situation in
14 Saint John, New Brunswick where it is in evidence that
15 if a pilot does not have a certain number of tugs from
16 each company the ship will not come in? Now the
17 situation is this: the pilot gives advice, let us
18 say, in theory to the master. The master refuses
19 advice and the pilot refuses to take the ship in.

20 A. We have always advised the pilots that
21 they have no right to refuse to move a ship.

22 Q. Regardless of the state or condition of
23 the ship? Regardless of aids to navigation?

24 A. Except on definite grounds of danger
25 to the ship.

26 Q. And who is to define danger to the ship?

27 A. The pilot should be the one who knows
28 this better than anybody else.

29 THE CHAIRMAN: For that particular case?

30 THE WITNESS: For that particular case, yes,



1 my lord. This is a very difficult subject, my lord,
2 and certainly we do not feel that anybody sitting in
3 Ottawa in a chair can make a decision on how many
4 tug boats a ship in Saint John should use.

5 MR. JACQUES, Q: I agree with you on that,
6 but we can go from one extreme to the other. If a
7 ship has no steering gear at all a pilot would be
8 justified in refusing to pilot the ship because of
9 reasonable grounds for danger. But you can go to the
10 other extreme with the pilot refusing to pilot a ship
11 because he has not got a rudder indicator in the
12 wheelhouse.

13 A. This, of course, is carrying the matter
14 to extremes and here again we have to think of these
15 things not in a legal sense but in a practical sense.
16 Such a situation should be avoided before it comes
17 to an impasse. This is what we have always hoped
18 was done in the local districts. The local supervisor
19 is there as a co-ordinator of the pilotage services
20 and he is supposed to be in touch with the local
21 shipping people. In any such argument as this the
22 local supervisor's actions must be relied on as far
23 as we are concerned.

24 Q. But the Department has not evolved any
25 guiding principle on these matters?

26 A. No.

27 Q. As to where the pilot's right to refuse
28 is valid and would be upheld and where his right to
29 refuse would not be considered reasonable?

30 A. I think this would be a matter for a



1 court case, to be decided in a court if it came to a
2 proper confrontation. We always hope such things will
3 not come to a confrontation, that the agents and the
4 masters of the ship and the pilots will be reasonable.

5 This argument at Saint John we were not
6 aware of until fairly recently, until the hearings in
7 Saint John as a matter of fact. We certainly would
8 not have wished such a situation to have come to such
9 a stage. If we had known long before we would have
10 done something to get the interested parties together
11 on the question.

12 THE CHAIRMAN: Just to complete the example
13 that was given of the case of an unreasonable refusal,
14 for instance where there is no rudder indicator, in
15 a case like that it would be a breach of the by-law
16 with disciplinary action against the pilot possible?

17 THE WITNESS: It would, because he could not
18 say this was definitely a danger to the ship. I think
19 any such case like that would have to be dealt with
20 on its merits.

21 MR. JACQUES, Q: The next question refers
22 to aids to navigation.

23 A. Well, there are meetings going on all
24 the time with the pilots' committee and whenever they
25 make recommendations for new aids or improvements to
26 aids this is put to the Marine Works Branch. Usually
27 the Marine Works Branch passes it back to the District
28 Marine Agent and then it is just a matter of whether
29 the money is there and whether it can be done --
30 whether their request is reasonable from the point of



1 view of the Marine Works Branch.

2 THE CHAIRMAN: The various agents we have
3 heard all over the country, they told us that generally
4 the requests are attended to.

5 THE WITNESS: Yes, my lord. I spoke to a
6 representative of the Marine Works Branch this morning
7 and the first thing he said was, "Well, the pilots
8 get practically everything they ask for." Whether
9 this is so or not, I do not know. This was his
10 comment -- "in the end".

11 THE CHAIRMAN: In the end.

12 MR. LANGLOIS: My lord, I put in the mail
13 before I left Quebec a sounding plan prepared by the
14 Department of Public Works between March 3rd and
15 March 4th, 1964 of the Courtenay Bay Channel. I would
16 suggest, my lord, that we might as well give it a
17 number now because we are talking about aids to
18 navigation. It should be received any time now. It
19 is in the mail. That should be 1154.

20 THE CHAIRMAN: Description?

21 MR. LANGLOIS: Sounding plan of Courtenay
22 Bay Channel by the Department of Public Works dated
23 March 3rd-4th, 1964.

24 ---EXHIBIT NO. 1154: Sounding plan of Courtenay
25 Bay Channel dated March 3rd-4th,
26 1964.

27 THE CHAIRMAN: Has it silted very much
28 since last year?

29 MR. LANGLOIS: No more water than there
30 was three years ago. There is a note on this plan, my



1 lord, that these soundings are good only for the day
2 that they were taken.

3 THE CHAIRMAN: Yes, I know; I recall that.

4 MR. JACQUES, Q: The next question relates
5 to the right of ship owners to choose their own
6 pilots. Several references were given in this respect.

7 A. This matter, my lord, of choice pilots
8 has been a source of considerable trouble in the past.
9 This is another case where the Department, as the
10 meat in the sandwich, is accused by the Shipping
11 Federation, the shipping people, of giving into the
12 pilots. But it has been the cause of trouble in
13 any district where the system has existed.

14 Q. What kind of trouble?

15 A. It is the cause of jealousy and strife
16 among the pilots and it interferes with the orderly
17 sharing out of the work. In the St. Lawrence the
18 evils of the system reached a high pitch with bonuses
19 being paid to special pilots outside the provisions
20 of the by-laws. Even agents of tramp ships had
21 their special pilots. We were told by some of them
22 that they used this in their advertising in soliciting
23 business -- that they had special pilots.

24 In Saint John there were only two companies
25 that enjoyed the privilege of having special pilots --
26 and our friend Mr. Cobham was one of these special
27 pilots. This is the penalty of being an expert.

28 When the system was abolished in the St.
29 Lawrence it was also abolished in Saint John. It did
30 not exist anywhere else.



1 The Department at that time expressed the
2 intention of restricting new pilots to smaller ships
3 for a period of probation. One of the strong
4 arguments of the shipping people in favour of the
5 system was that if they did not have this in the
6 St. Lawrence it meant that an apprentice could get
7 his licence as a pilot and be assigned to one of the
8 biggest passenger ships tomorrow, because he was
9 licensed in an unlimited sense. The strong argument
10 too was that with a ship coming in regularly it was
11 to the benefit of the master -- the master liked
12 to have a pilot assigned to him who has been
13 regularly assigned to that ship before.

14 THE CHAIRMAN: Who knew the feel of the
15 ship?

16 THE WITNESS: He knew the feel of the ship
17 and it gave the master that much more confidence.
18 All these arguments are very good, my lord, but they
19 did not outweigh the trouble and difficulty that was
20 caused by this system.

21 MR. JACQUES, Q: But do you think that
22 all pilots are equally competent?

23 A. From the time they become pilots?

24 Q. Yes.

25 A. No, I would not say so. Obviously a
26 man with experience in a particular harbour with
27 all kinds of ships, as the years go on he becomes
28 more competent until the point is reached where he
29 begins to get careless.

30 --- (Laughter).



1 THE WITNESS: Well, my lord, we have found
2 that special pilots for thirty years have put a
3 passenger ship hard and fast on an island sticking
4 up like a mountain.

5 THE CHAIRMAN: Yes, I see that.

6 THE WITNESS: So it does happen that a special
7 pilot can be a special pilot for a long time and still
8 a ship under his care is not any safer than if it
9 would be a man in his first year.

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1 THE CHAIRMAN: Would you tell me whether
2 these special pilots were rather more skilled than the
3 others? Was it a matter of competency that had them
4 appointed pilots? We have heard evidence that the
5 recommendation to be a special pilot very often was
6 from another pilot -- he was recommending a friend
7 of his.

8 THE WITNESS: This is exactly the case; and
9 this is one of the arguments we used to support our
10 decision to abolish the system; because the pitch to
11 which it had been brought in the St. Lawrence it
12 certainly eliminated any reasonableness in the matter.

13 MR. JACQUES, Q: In Saint, John, New
14 Brunswick -- you are a seaman and I think you will agree
15 with me -- it is more difficult to take a large tanker
16 into Courtenay Bay than a medium-sized cargo ship into
17 the harbour -- the main harbour? Is that correct?
18 Would you agree with that?

19 A. Oh, yes.

20 Q. Would you agree, also, that a given
21 person -- a given individual -- may have more talent
22 for ship-handling than another one.

23 A. Yes, I agree with that, too.

24 Q. Would you agree that a man who has
25 handled more tankers into and out of Courtenay Bay may
26 be more proficient, or more liable to be more
27 proficient, than a beginner, or the person who has
28 never handled tankers?

29 A. I agree with that.

30 Q. Do you agree that there should be a



1 system whereby the more competent pilots should be used
2 to do a particular job -- a difficult job?

3 THE CHAIRMAN: In other words -- excuse me --
4 that the highest competency of the members of the
5 service be provided to do the most difficult job and
6 that service should not be limited to the competency
7 of a less skilled man?

8 THE WITNESS: I agree with that provided
9 agreement can be reached as to who is the most competent
10 pilot.

11 Certainly I may say that in British Columbia,
12 as you may recall -- possibly it came out at the
13 hearings there -- when they have an unusual ship, a
14 ship that is going to be obviously more difficult
15 to handle, the pilots themselves agree that the
16 Pilotage Committee will decide on a pilot to take that
17 even although it is not in his turn.

18 THE CHAIRMAN: We are told they have the same
19 thing in Saint John, when they agree among themselves
20 to say that a newcomer will not handle a very difficult
21 job; but I think Pilot Quinn added that he wouldn't
22 like to be told ---

23 THE WITNESS: This is quite right; and
24 certainly we would not want to take up this hot potato
25 again.

26 MR. JACQUES, Q: Surely it is the duty of
27 a pilotage authority to provide the best service and
28 it has the duty to see that ships are moving and that
29 it should take steps to see that the ships are moving
30 regardless of the opinion of pilots?



1 A. Right; but it is not within the province
2 of departmental officials to say that one pilot is more
3 competent than another.

4 Q. Why is it not?

5 A. Because this is a matter of pragmatism;
6 it is experience. If one pilot has a lot of accidents
7 there is a suspicion that something is wrong with this
8 pilot; but very often you find that the pilot has a
9 lot of accidents and he is not to blame for it. This
10 is a matter of pure skill which is very difficult to
11 assess except by experience -- except by performance.

12 Q. Should not the ship owner have liberty
13 to ask the most skilled of pilots to do a job which
14 he is willing to do and which the other pilots are not
15 willing to do?

16 A. That sounds reasonable; but, as I say,
17 after all, the administration does mean keeping peace
18 in the family as well.

19 Q. It means that the ship owner, the user
20 of the service, is penalized, or may be penalized,
21 because a group of persons cannot agree on their
22 qualifications, or cannot agree on who is better than
23 the next one.

24 A. It is not always clear that the ship
25 owner is being penalized. We have cases where a
26 pilot gets into trouble with a ship and immediately
27 the agent says "I don't want that pilot sent to my
28 ships any more." There is no thought of the fact
29 that before and after this accident this pilot has
30 handled hundreds of jobs -- expert jobs -- and handled



1 them well. Because he has one accident they say they
2 don't want him for their ships any more.

3 I might point out that pilotage cannot be
4 run in this fashion.

5 THE CHAIRMAN: It is a normal reaction from the
6 agent, I suppose?

7 THE WITNESS: It is. If you had no pilotage
8 organization and every pilot competing against every
9 other pilot then this is a reasonable measure to agree
10 to; but this would be taking us back 100 years.

11 THE CHAIRMAN: Haven't you created this
12 problem by having classified pilots in the St. Lawrence
13 River?

14 THE WITNESS: Yes, we have; and this was
15 after we washed out the special pilot system. In order
16 to take away the fears expressed by the shipping
17 people that inexperienced pilots, or pilots with less
18 experience would be appointed -- assigned -- to move
19 their ships, then this system of grading pilots was
20 instituted with the agreement of the pilots.

21 THE CHAIRMAN: Is it working well?

22 THE WITNESS: We think it is.

23 THE CHAIRMAN: And I understand that it is not
24 being by seniority but on skill and experience -- somebody
25 who has been graded to be so. Is there any application
26 of it the other way?

27 THE WITNESS: Yes; this provision is in the
28 by-law from (b) to (c) -- well, no; this is what is
29 missing. This is what should be in. This is what I
30 want to have in.



1 COMMISSIONER RENWICK: Why has this, as it
2 is for Saint John, not been instituted in the St.
3 Lawrence system?

4 THE WITNESS: Because in Saint John the pilots
5 are all of long experience and we have no information
6 to say that any of the pilots are not competent.

7 COMMISSIONER RENWICK: I am thinking of
8 this one group of pilots. We have heard today that
9 there are some early retirements in the future.

10 THE WITNESS: We have already expressed the
11 intention of putting this provision in the by-laws,
12 to have a grading system when there are new pilots
13 appointed.

14 THE CHAIRMAN: We have found that in Saint
15 John they are making their own grading for new pilots
16 -- that is, a probationary pilot for one year, and
17 he is limited to some tonnage; and I think Captain Quinn
18 said that even after a year he will not be given
19 difficult jobs until he has experience with the bigger
20 tonnage.

21 THE WITNESS: This is very good so long as
22 the pilots are ready to accept it.

23 THE CHAIRMAN: So it is a need -- it is needed?

24 THE WITNESS: Yes, I would say so.

25 THE CHAIRMAN: They feel it and they do so
26 themselves?

27 THE WITNESS: Yes.

28 MR. JACQUES: Otherwise pilotage would be the
29 only profession in the world where everybody would be
30 just as competent as everybody else regardless of talent,



1 skill and experience, and I don't believe that.

2 THE WITNESS: This is so.

3 THE CHAIRMAN: We will adjourn for a few
4 minutes now.

5 ---Recess.

6
7 MR. JACQUES, Q: Now, the next question
8 refers to correspondence emanating from your local
9 office in Saint John, filed as Exhibit 420.

10 A. I believe this was the case of the
11 casualty to the IRVING LAKE ---

12 Q. The IRVING LAKE?

13 A. --- on January 10, 1962.

14 Q. Yes.

15 A. This was reported to the Department in
16 the usual way by means of the pilot's casualty report.
17 This was a case of a dead ship with no power, no
18 steering gear, relying completely on the power of
19 three tugs with three IRVING tugs handling her; and
20 apparently they failed to keep her off the rocks in
21 the wind and current conditions prevailing.

22 The covering letter of the supervisor
23 reported as follows, and I am quoting from the
24 supervisor's letter to the Department:

25 "The pilot reports that
26 just prior to proceeding under
27 the bridge the vessel was caught
28 by a gust of wind and a cross
29 tide and forced to starboard.
30 All the tugs were ordered full



1 astern, but the tug on the
2 starboard bow touched on
3 Split Rock, while the fact
4 that there were two tugs
5 going astern on the port side
6 caused the vessel to swing
7 rapidly to port, and her bow
8 touched the bank on the west
9 side of the bridge.

10 The piloting of this
11 vessel has for a long time
12 been a source of irritation
13 as the company have no master
14 on board, the pumpman being
15 designated as officer in charge..."

16 "The tugs are underpowered and
17 have very poor manoeuvring
18 qualities as well as being
19 very poorly manned..."

20 Q. And the tugs used were IRVING tugs?

21 A. Yes. To continue the quotation:

22 "The fact that this
23 vessel has been moved so many
24 times with so little damage
25 speaks very well for the skill
26 of the pilots in the district,
27 and in this case it is not
28 considered that any blame should
29 be attached to the pilot concerned..."

30 Q. This is the local supervisor's report?



1 A. This is the local supervisor's report
2 to the Department covering the pilot's casualty
3 report.

4 Q. With respect to his opinion on the
5 quality of the tugs, is it accepted by your Department
6 that your local supervisors express opinions on, say,
7 tugs?

8 A. Is this accepted by us?

9 Q. Yes?

10 A. Yes.

11 Q. Is this within their terms of
12 reference?

13 A. I would say so, definitely. They are
14 the officials in charge locally, and they are master
15 mariners. They are appointed to their position as
16 having technical skill and knowledge; and certainly
17 such an expression of opinion would only result from
18 discussions with the pilots and reports made by the
19 pilots. But we have no reason to doubt the
20 supervisor's comments in such a case; and under the
21 circumstances in this case the Department agreed with
22 the supervisor's opinion that the pilot was not to
23 blame.

24 Q. But did it agree with the supervisor's
25 opinion to the effect that the tugs were inadequate?

26 A. We had no way of disagreeing with it.

27 Q. Or no way of agreeing?

28 A. We had to accept his opinion on that.

29 Q. Did you request an explanation for this
30 opinion on those tugs -- the basis of that opinion?



1 Did you ask whether there had been any test of which
2 he had been a witness, or any tests on the manoeuvreability
3 of these tugs, which had been passed on to him?

4 A. No; because it was taken, and I would
5 still take it this way, that his opinion was based
6 on experience of these tugs with the pilots, and if
7 the pilots' experience with the tugs was that they
8 were not strong enough, or that they did not
9 manoeuvre well enough to keep a ship out of trouble
10 -- especially a dead ship like this -- that would be
11 a quite reasonable conclusion to come to. We have
12 no reason to question this.

13 MR. JACQUES: Thank you.

14 THE CHAIRMAN: That was January 1960, was it?

15 MR. JACQUES: 1962.

16 THE WITNESS: 1962, yes, my lord.

17 THE CHAIRMAN: The IRVING LAKE.

18 MR. JACQUES, Q: The next question refers
19 to what appears to be a dispute with respect to the
20 movements of tankers in and out of Courtenay Bay.

21 A. This can be attached to No. 19, Mr.
22 Jacques.

23 Q. Yes.

24 A. And my answer on this is that practical
25 matters such as whether or not super tankers could be
26 taken in at any particular stage of the tide are
27 matters that must be left for local settlement by
28 the supervisors and the pilots.

29 --

--

30



1 Q. Is there any guidance given to your
2 supervisors upon these matters? Has he got any
3 terms of reference or any limits to his authority in
4 that respect?

5 A. His authority -- in what sense his
6 authority?

7 Q. Well, it is tied, let us say, to the
8 use of tugs used in Courtenay Bay and also to the
9 correspondence exchanged with the California Shipping
10 Company, which is question 14. Briefly the whole
11 problem is this: In Saint John there is an absolute
12 -- let us not say absolute -- but there appears to be
13 quite different views on the ships which can go into
14 Courtenay Bay and the use of tugs for handling those
15 ships. Your supervisor has been right in the middle
16 of this dispute. He has taken action on the points
17 raised.

18 A. I would say we would be bound to support
19 him in whatever action he has taken as the man who
20 is on the spot and knowing the circumstances.

21 Q. He is not given any directive?

22 A. No.

23 Q. By your department?

24 A. No. This would be included in the
25 general directive to run the pilotage district.

26 Q. He is strictly on his own.

27 A. In this sense, yes. This is not a
28 question of interpretation of the by-laws or of the
29 Canada Shipping Act. This is purely a practical matter
30 having to do with the actual piloting of these ships.



1 Q. And you would accept his findings of
2 fact?

3 A. We would.

4 Q. Now, would you ---

5 THE CHAIRMAN: I gather these matters were
6 not taken up with you by the third party involved?

7 THE WITNESS: No, we did not -- we were not
8 aware of this argument until I think the hearing in
9 Saint John, my lord.

10 THE CHAIRMAN: Because if the matter had been
11 brought to your attention, would you have just passed
12 it down to your supervisor and forgot about it.

13 THE WITNESS: No, my lord. We would have
14 asked the supervisor to make a report on the matter and
15 then he would have given us his views and we would
16 have to accept what he said unless in this case, the
17 Irving interests, or whoever it was, were able to
18 prove to us otherwise.

19 THE CHAIRMAN: I see.

20 THE WITNESS: We certainly cannot run a
21 thing like that from Ottawa.

22 THE CHAIRMAN: In any event, it was not taken
23 up with your department by the Irving interests?

24 THE WITNESS: As far as I know, no.

25 THE CHAIRMAN: In this case or in the other
26 one after the accident of January, 1962.

27 THE WITNESS: No.

28 MR. JACQUES, Q: Would you move on to
29 question 14, if you have nothing to add to your
30 answers to question 13 and 19.



1 A. Question 14, I think has pretty well
2 been answered. This is the involvement of Captain
3 MacKinnon with the California Shipping on the use of
4 tugs.

5 Q. That is right.

6 A. We believe that -- we accept the fact
7 that Captain MacKinnon is expressing honest opinion,
8 possibly influenced by the opinions expressed to him
9 by the pilots as I think is quite right. We would
10 not interfere in this.

11 THE CHAIRMAN: Excuse me. While we are on this
12 exhibit 420, would you give me Exhibit 420 please.

13 In this letter to J.D. Irving Limited on
14 January 12th, 1962 the first paragraph is this:

15 "With reference to your
16 letter of January 10th, I should
17 point out that the safe
18 navigation of any vessel is
19 always the direct responsibility
20 of the Master or Officer-in-
21 Charge, the fact that a pilot
22 is on board does not relieve
23 him of his responsibilities."

24 This paragraph was in answer to a letter dated the
25 same date asking for an investigation or an inquiry.
26 Is that normal that once a third party asks for an
27 investigation that it is retorted to by a paragraph
28 like that? The Irving interests were requesting an
29 investigation and the first thing you say is: "Well,
30 what about the investigation. You know your master



1 is responsible." Is that the way it is supposed to
2 be?

3 THE WITNESS: No, my lord. I don't think
4 that would be the correct way. If an inquiry was
5 asked for then an inquiry should have been granted.

6 THE CHAIRMAN: In the letter, mind you of
7 the 10th of January, J.D. Irving Limited in the last
8 paragraph spoke about the accident and then in the
9 last paragraph they said "Two accidents in this short
10 period of time is not reasonable; therefore, we request
11 that an investigation be started to ascertain who
12 was at fault and why this accident occurred today".

13 This is the letter two days after being
14 sent to the Irving interests. This is the first
15 paragraph. I am wondering whether this is normal
16 procedure for somebody representing the Department to
17 do this.

18 THE WITNESS: If this had been brought to
19 our attention I think we would have pointed out to
20 him he had been a little tactless.

21 THE CHAIRMAN: I have read in the evidence
22 by Captain Eddy in British Columbia that it is said
23 that the duty of the supervisor was to cooperate with
24 the pilots and to cooperate with the shipping interests
25 so that the service would run smoothly. I think he
26 has made a success of that out there. I am just
27 wondering if the same principle had been adhered to
28 by some other persons most of the problems would
29 have been ironed before it reached a stage like that
30 because right after that there is the last paragraph



1 also of the letter dated January 27th it says:

2 "I might also point out,
3 as you are no doubt aware, that
4 there is no compulsion for you
5 to employ a pilot when moving
6 the 'IRVING LAKE', you are at
7 perfect liberty to move her
8 yourselves at any time you
9 please at no charge from this
10 Authority."

11 That is just like answering "If you are not satisfied,
12 don't employ pilots".

13 THE WITNESS: Yes. The tone of that letter,
14 my lord, is not the kind of letter that the Department
15 usually writes.

16 THE CHAIRMAN: I am not sure that that was
17 the impression I had and I thought it was a little curt
18 the way it was answered.

19 THE WITNESS: Yes, sir, I quite agree with
20 you it was curt and we did not have this correspondence
21 sent to us.

22 THE CHAIRMAN: Yes, that was why I asked
23 whether it had been brought to your attention.

24 MR. JACQUES, Q: Were you aware of this
25 exchange of correspondence?

26 A. No, we were not.

27 Q. You were not kept posted on this
28 dispute?

29 A. Yes.

30 Q. Your supervisor never advised you of the



1 contents of Irving's letter to MacKinnon on January
2 10th requesting an investigation.

3 A. Not as far as I know, my lord. I know
4 when I was at the hearing in Saint John and this came
5 out, it was completely news to me.

6 Q. With respect to Exhibit 422, which has,
7 among other things, a letter addressed by your
8 district supervisors to Captain Bigler of California
9 Shipping Company, you are aware of this letter, I
10 believe having sat in Saint John with the Commission?

11 A. Yes, I heard of it.

12 Q. Which referred to the suitability of
13 the Irving tugs. Do you think it is within the
14 province of an employee of the Crown to advise a
15 company on the suitability of the tubs employed by
16 the harbour?

17 A. I feel that the local supervisor of
18 pilots, whether he be an employee of the Crown or
19 not, it would be his duty to bring to the attention of
20 the tug owners any opinions that the pilots might
21 express concerning the tugs.

22 Q. To the tug owners?

23 A. To the tug owners and to any persons
24 who might be employing those tugs.

25 Q. But not one company asking for
26 information?

27 THE CHAIRMAN: Both at the same time or
28 just to one? Apparently in this case it was brought
29 only to the attention of the California Shipping
30 Company and not the tug owner.



1 THE WITNESS: Well, this would not be correct.
2 He should have brought it to the attention of the
3 tug owner but it is difficult for me to credit that
4 the tug owner would not be aware of this in a place
5 like Saint John, where everybody knows everything that
6 happens.

7 MR. JACQUES, Q: I do not think that is what
8 his lordship meant. He meant that when Captain
9 MacKinnon wrote this letter to the California Shipping
10 Company, don't you think he should have sent a copy
11 of that letter or advised the tug company of the
12 report he was making to the California Shipping
13 Company on the tugs.

14 A. Yes, I would say he should have done
15 that. This is what we would have done if we were
16 handling the thing here.

17 THE CHAIRMAN: It appears from the evidence
18 that he took the power of the tug which he got from
19 the Registry and apparently this had been changed or
20 was in the process of being changed so if there had
21 been anything wrong -- he might have been quite right
22 in what he said but I think if a copy of the letter
23 had been sent to Irving's any mistake he might have
24 made inadvertently would have been corrected and if
25 no correction was being made it would be a
26 confirmation that this letter was right. I think
27 it would have been more tactful to do that.

28 THE WITNESS: Yes, my lord. We are not happy
29 about the way this whole affair was handled.

30 MR. JACQUES, Q: Now, sir ---



1 THE CHAIRMAN: Mind you, by saying this I
2 am not criticizing Captain MacKinnon or anybody else
3 but we are just trying to find out how this system
4 is working. In other words In other places, with a person
5 like Captain Eddy, for instance, in British Columbia
6 it works at very smoothly. Maybe
7 it is not on account of the system. It may be on
8 account of the personality of the man.

9 THE WITNESS: May I say, my lord, that it
10 also be a matter of the other persons involved and
11 the other parties involved.

12 THE CHAIRMAN: Yes, of course. But there is
13 a saying that "The customer is always right".

14 THE WITNESS: The tone of the -- if I might
15 suggest, the tone of Captain MacKinnon's letter
16 indicates a point of exasperation.

17 THE CHAIRMAN: It is possible.

18 THE WITNESS: I don't know what went on
19 before but it does sound to me as though he has
20 reached the point where he didn't very much care
21 what he said. That is not good.

22 COMMISSIONER RENWICK: Possibly the letter
23 that he was receiving had the same attitude at that
24 stage.

25 THE WITNESS: It is possible, sir. I don't
26 know. This still does not excuse it but this is ---

27 THE CHAIRMAN: I am just trying to find
28 out how this system is working because we have an
29 example here and the other places. Whether this
30 is a desirable thing to do that or not ---



1 THE WITNESS: It is, I submit, essential
2 if there is to be any decentralization whatsoever
3 but occasionally one would come up against a
4 situation like this where the decentralized
5 administration runs into some heavy water.

6 THE CHAIRMAN: That is what we want to know.

7 MR. JACQUES, Q: Now, question 15, Captain,
8 refers to an interest free loan made by the government.

9 A. This was at a time when all expenses
10 were paid out of the revenue of the district and at
11 that time the Department did occasionally make loans
12 for the purpose of acquiring new pilot boats. After
13 all, the by-laws at the time did require at the end
14 of each fiscal year the pilotage fund had to be
15 closed and that any remaining balance must be
16 divided among the pilots. This meant that there was
17 no provision for ---

18 Q. Depreciation?

19 A. For depreciation or they could have
20 set aside money, I suppose but this had not been done
21 because this meant that possibly people who would be
22 retired before the new boat was in use would be
23 paying for the boat, in effect. They would be
24 losing money which may have gone into their pockets
25 and so the Department did make advances of interest
26 free loans for these purposes.

27 Q. Has the loan been repaid?

28 A. Yes. My reference here is that the
29 loan of \$20,000.00 to the Saint John District Pilotage
30 Fund -- you will notice I did not say "Saint John



1 District Pilots" -- to the Saint John District
2 Pilotage Fund was repaid in full. The last payment
3 in the fiscal year ending March 31, 1945.

4 THE CHAIRMAN: For some years all the
5 expenses of the boat were paid for by the pilots and
6 reimbursed by the Department?

7 THE WITNESS: My lord, if you will permit
8 me to say "paid out of the pilotage fund", not by
9 the pilotage. The pilotage fund did not belong to
10 the pilots.

11 THE CHAIRMAN: That is a good correction but
12 it was paid by the pilotage fund and then reimbursed
13 by the Department?

14 THE WITNESS: That is right, sir. That is
15 the ordinary operation but this was only from a
16 1950 ---

17 THE CHAIRMAN: Fifty-eight, I think.

18 THE WITNESS: 1960. I am not sure at the
19 moment.

20 THE CHAIRMAN: Up to 1961 anyway.

21 THE WITNESS: Yes, about that, sir. In
22 1960 the system of reimbursement was discontinued.

23 THE CHAIRMAN: That is right.

24 THE WITNESS: After that it was paid directly
25 from departmental appropriation.

26 THE CHAIRMAN: Were all the expenses paid or
27 just part of them before that?

28 MR. JACQUES: I am advised that prior to
29 the Department taking over the operation all the
30 expenses came out of the pilotage fund.



1 THE WITNESS: Before 1947, my lord.

2 MR. JACQUES, Q: There was no reimbursement
3 by the government?

4 A. No. Before 1948, after my survey in
5 1947 ---

6 THE CHAIRMAN: Yes.

7 THE WITNESS: The Department commenced
8 reimbursing the district or contributing rather -- the
9 Order-in-Council provided for contributing to the
10 districts of certain amounts and at that time it
11 was approximately half the cost of the pilotage
12 operation, the pilot boat operation. Then it was
13 changed to all the costs of the pilot boat operation
14 and stations.

15 MR. JACQUES, Q: When was that; what year?

16 MR. MACGILLIVRAY: 1950 or 1951.

17 THE WITNESS: I think it is somewhere here.
18 It was 1950, my lord, that we first started to
19 reimburse all the expenses. Yes, I have it here, my
20 lord. In 1950 the full expenses in connection with
21 pilot boats and stations was assumed by the
22 Department out of a parliamentary appropriation.
23 This was by reimbursement. It was first paid out of
24 the pilotage funds and then reimbursed.

25 THE CHAIRMAN: Yes. It is just I wanted to
26 mention the financial report of 1957 states that the
27 reimbursement by the Department of Transport was
28 \$15,051.17.

29 --

--

30

--



1 THE WITNESS: May I suggest, my lord, that
2 these Orders-in-Council dealing with this matter -- I
3 think they are already on file, and this sets the
4 date quite explicitly.

5 THE CHAIRMAN: There is a mistake there in
6 one I quoted. It is \$44,051.17 on this exhibit here,
7 so I was just wondering whether this covered all the
8 operation expenses for the pilot boat, because I
9 cannot tie that into the disbursements. I could not
10 conciliate that. Would you take a look at it? I
11 do not expect you ---

12 THE WITNESS: Perhaps Captain Jones could
13 help me.

14 THE CHAIRMAN: I put an arrow there. This
15 is for the year 1958. My reason for asking that --
16 here it is. The pilot boat operations and costs
17 that were reimbursed by the D.O.T. for the year 1957
18 is the one I quoted. For the year 1958 it was
19 \$30,201.14. For 1959 it was \$37,746.11. But when
20 the D.O.T. takes over altogether it jumps in 1962
21 to \$77,819.34, and in 1963 to \$86,677.51. Maybe an
22 explanation would be that you paid the wages that
23 you did not before.

24 THE WITNESS: Yes, this is correct. When
25 they came under the ship's officers' regulations and
26 the ships' crews regulations this meant we had to
27 have separate crews and there was a limitation on
28 the number of hours that they could be kept on.

29 THE CHAIRMAN: And in those previous figures
30 you did not pay the wages for the manning of the



1 ship?

2 THE WITNESS: We reimbursed those, but the
3 method of working was as it had been before with the
4 pilots acting as masters for one thing, and probably
5 the crew members would stay on a lot longer than they
6 do under the government regulations.

7 THE CHAIRMAN: So therefore it had almost
8 doubled by the Department taking it over -- it had
9 almost doubled the expense?

10 THE WITNESS: I would not be at all surprised,
11 my lord.

12 THE CHAIRMAN: I just show you there the
13 1963 financial report. On the last page for CANADA
14 PILOT No. 8 you have the figures there and out of
15 the \$86,677.51 you have for the wages almost \$60,000.00.

16 We could postpone this question if you
17 want and come to it later on. I may be taking you
18 by surprise by asking you this question.

19 THE WITNESS: I can say this is the reason,
20 my lord -- that we do have to have more crew now because
21 of the limitation on hours of work. When it was being
22 run before it was purely a matter of hiring somebody
23 to do a job and the conditions were such that if
24 the men were satisfied, this is all right.

25 MR. JACQUES, Q: Moreover the apprentices
26 served as crew members?

27 A. When they were apprentices. This is
28 some time ago.

29 But any information your lordship wants we
30 will dig it out quite exactly if you will tell us.



1 THE CHAIRMAN: I just wanted an explanation
2 for that apparent discrepancy when you say the
3 Department is taking over and then the figure jumps
4 to almost twice what it was before.

5 THE WITNESS: One item alone -- the
6 necessity of having three masters. The three masters'
7 salaries alone would make a big difference.

8 MR. JACQUES, Q: Would you have the figure
9 for 1963 for the cost of operating the pilot boats?

10 THE SECRETARY: Yes, we have that.

11 THE CHAIRMAN: It is there. That is the
12 exhibit I gave you -- \$86,000.00.

13 MR. JACQUES: \$86,000.00?

14 THE WITNESS: On this document that your
15 lordship gave me here, Exhibit 49, you asked about
16 this item "refund of operation and maintenance of
17 pilot boat, \$54,051.17". This is the sum of the
18 actual pilot boat expenses enumerated in the
19 disbursements.

20 THE CHAIRMAN: Thank you.

21 MR. JACQUES, Q: That was for what
22 year?

23 A. That is for 1957 and 1958 -- April 1st,
24 1957 to March 31st, 1958.

25 Q. What is the figure for 1963 pilot
26 boat operating expenses?

27 A. I have not got this here.

28 MR. JACQUES: Could we have the exhibit?

29 Q. With respect to question 16, we have
30 dealt with that and we must have in the exhibit which



1 was filed on Monday of your establishment the number
2 of crew engaged on the pilot boat, would we not?

3 A. In the plan, yes -- in the chart.

4 Q. What certificates would these pilot
5 boat masters have?

6 A. In Saint John it would be the
7 requirement of at least a certificate as master of
8 a steamship in the home trade of not more than
9 350 tons.

10 Q. With reference again to the echo
11 sounder -- because it comes up again under question
12 16 -- why was it originally refused? Is it merely a
13 question of money?

14 A. Well, it was not exactly refused. I
15 think it was asked for ---

16 ~~Captain~~ Jones tells me it was refused.
17 In any expenditure like this we have to be convinced
18 -- before we can recommend that the expense be
19 incurred we have to be convinced that there is a
20 need for it. This is not standard equipment on a
21 pilot boat.

22 Q. But with the increase in the draft of
23 vessels do you not think that in such a port as
24 Saint John where it is always touch and go there should
25 be available to pilots a method where they can
26 obtain soundings -- accurate and up to date soundings?

27 A. I do not know whether an echo sounder
28 is as accurate as a hand lead.

29 Q. Yes, but in this day and age an echo
30 sounder can be accurate.



1 A. It seems to me I remember some evidence
2 down in Saint John that threw considerable doubt
3 on this.

4 Q. Would the Hydrographic people have
5 available in Saint John or in the area equipment to
6 supply soundings to pilots -- a hand lead or echo
7 sounder or what not?

8 A. The Hydrographic service have this?

9 Q. Yes.

10 A. Oh, I assume so. I do not know whether
11 they are working there all the time. This is simply
12 a matter of a request for something that is quite
13 expensive and it is not, as I say, standard equipment
14 -- although we do have them on our two new boats at
15 Les Escoumains.

16 Q. Do you have the tracer type or the flash
17 type?

18 A. Yes, we do have the expensive type, so
19 I would not be a bit surprised if we were told now
20 to provide the expensive type for Saint John.

21 MR. JACQUES: Now, sir, if we may, I think
22 we should skip over question 17 and keep it for the
23 last question. This is the views of the Department
24 on the recommendations contained in the various
25 briefs.

26 THE WITNESS: Yes, my lord. I would like
27 on that point to say now wherever the views of the
28 Department are asked in connection with recommendations
29 made, this I submit should be kept for the final
30 hearings so that the Deputy Minister or somebody



1 directed by him will give the official views of the
2 Department.

3 THE CHAIRMAN: That will be quite all right.

4 MR. JACQUES, Q: The next question deals
5 with the appointment of probationary pilots. Would you
6 point out the authority to restrict the type of
7 vessels which the probationary pilot may handle -- not
8 that the Commission has found anything wrong with that,
9 true, but we would like you to pinpoint the authority.

10 A. Well, in my opinion, this is covered
11 by by-law 17 paragraph (1) which states:

12 "Pilots shall undertake
13 pilotage duty when and where
14 required by the supervisor and
15 shall not pilot any vessel
16 except as directed by the
17 supervisor."

18 Q. That is applicable to all pilots?

19 A. Yes. So it is within the province of
20 the supervisor in my opinion to say that a new pilot
21 shall only pilot ships up to a certain tonnage.

22 Q. And his authority would be that section
23 of the by-law?

24 A. I would say so, yes.

25 Q. Would that section of the by-law not
26 enable the supervisor to appoint to a particular ship
27 a pilot who was not up for his turn on the tour-de-role
28 list?

29 A. Theoretically, oh, yes, it would.

30 Q. With respect to probationary pilots is



1 it exact that in this respect the supervisor relies
2 on the opinion of the pilots' committee as to whether
3 the probationary pilot should be stepped up one grade
4 further?

5 A. This is practice.

6 Q. This is practice?

7 A. Unless the supervisor has some reason
8 to doubt the opinion expressed to him by the pilots'
9 committee, he would accept this.

10 THE CHAIRMAN: Are you changing the subject?

11 MR. JACQUES: Yes, my lord.

12 THE CHAIRMAN: While we are on this subject,
13 I have not got the by-law in front of me, but just
14 to avoid searching, what is the provision for the
15 fixing of the probationary pilots' revenue or salary?

16 THE WITNESS: The by-law states here, my
17 lord, in 14(4):

18 "The probationary pilot
19 shall receive compensation in
20 an amount to be fixed by the
21 authority after consultation
22 with the pilots' committee."

23 THE CHAIRMAN: Yes, all right.

24 MR. JACQUES, Q: With respect to question
25 19, do you know whether anything was done?

26 A. I think we answered that one, Mr.
27 Jacques.

28 Q. Do you know if there was a meeting of
29 either the pilots' committee or the authority with
30 the representative of Irving insterests?



1 A. I do not know at the moment, but I
2 assume that the supervisor would have had full
3 discussion with the pilots' committee and he should
4 have been in touch with Irving as well on this.

5 Q. This question refers to page 3824 of
6 volume 34 when the Council for the pilots stated
7 that some meetings should be held to try and work out
8 some scheme of being able to foresee the conditions
9 under which tankers can enter Courtenay Bay during
10 the freshet season. It goes on to say:

11 "I am authorized by the
12 pilots' committee to say they
13 will be most pleased to meet
14 with Mr. Forsythe or any other
15 representative of these companies
16 to endeavour to work out such
17 a scheme."

18 You have heard nothing with respect to that?

19 A. No, we have not, but we would have
20 expected even before that statement that this would
21 be the policy to be followed. The pilots' committees
22 in the various districts do meet with interested
23 people in this way.

24 Q. Now, sir, question 21 ---

25 THE CHAIRMAN: So you do not have the last
26 part of your question there as to whether there was
27 any delay during the freshet in 1964?

28 Maybe Captain Slocombe is not able to
29 answer that.

30 THE WITNESS: No, sir, I am not able to



1 answer that now.

2 THE CHAIRMAN: We have here Captain Cobham
3 who knows about that. I think he could give us his
4 information later on when Captain Slocombe is
5 finished just for the completion of our records.

6 MR. JACQUES, Q: Now with respect to
7 question 21, the recruiting of pilots, would you
8 explain how you propose to recruit pilots for Saint
9 John, New Brunswick?

10 A. The recruitment of pilots at Saint
11 John is covered by the by-law. This is covered by
12 by-laws 11, 12, 13 and 14. This sets out the system
13 of the recruitment of pilots. It does not say
14 how applicants should make their applications. But
15 I can say that if we need new pilots, unless we have
16 one who has already passed the examination we would
17 advertise that an examination is to be held for
18 prospective pilots.

19 Q. You would advertise in the paper?

20 A. Yes.

21 Q. Have you given some thought of re-
22 establishing an apprenticeship system?

23 A. We may have thought of it but we would
24 not suggest that it be done.

25 Q. Why?

26 A. Because we feel the best system is the
27 system followed in British Columbia and at present
28 followed in Halifax and Saint John and Sydney -- that
29 recruitment is from experienced masters of ships
30 who have been trading into the port. We are told that



1 the recruitment field is diminishing in this sense.

2 Q. I would suggest that there is a vast
3 difference between the east coast and the west coast
4 in that respect. On the west coast there is still
5 a lot of tug boat operation up and down the coast
6 while on the east coast there are very few coasting
7 ships.

8 A. This is quite so.

9 Q. And less deep sea ships, so the
10 supply on the east coast may diminish to a point where
11 you have to go out of the country to obtain the
12 services of experienced masters.

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1 A. Well, we haven't any representations
2 to that effect.

3 Q. From the pilots of the ship owners?

4 A. Not representations towards the re-
5 estabishment of an apprenticeship system.

6 Q. Has the Department given some thought
7 to the diminishing supply of trained ship's officers?
8 There is no deep sea fleet in Canada.

9 A. It would not be from deep sea ships
10 anyway; it would be from coasting vessels.

11 Q. From coasting vessels?

12 A. This is where the recruitment should
13 be.

14 THE CHAIRMAN: We have heard that in British
15 Columbia -- I suppose you recall -- the ocean going
16 master has the highest certificate that can be issued
17 and therefore is supposed to have the most
18 qualifications and not just going on the coast he
19 should be able to orientate himself very quickly.

20 THE WITNESS: I suspect this opinion was
21 not given by the pilots.

22 THE CHAIRMAN: No; it was given by the ship
23 people.

24 MR. JACQUES, Q: Would you know how many
25 ships on the east coast are engaged, say, in home
26 trade or coastwise trade?

27 A. No, I don't know offhand. I may say
28 that the need for considering this problem has not
29 appeared to us to be urgent, especially in view of
30 the sitting of the Royal Commission on Pilotage.



1 Q. Would you, because it is under your
2 Department, be able to tell the Commission how many
3 certificates, ship's master, home trade, were issued
4 during the last five years on the east coast?

5 A. Yes; I could probably table that this
6 afternoon or tomorrow morning.

7 Q. I may be wrong, but a master's home
8 trade certificate is ~~the~~ one most likely required in
9 all the districts on the east coast, or even mate
10 home trade?

11 A. In the case of Saint John it is master's
12 home trade, steamships, unlimited as to tonnage, and
13 he must have served at least two years as master
14 of a vessel trading regularly into the district.

15 Q. How many ships would you say are trading
16 regularly into the district?

17 A. This "regularly into the district" is a
18 very loose term.

19 Q. Well, let us say: How many Canadian
20 coastal ships made more than, say, three trips ~~into~~
21 Saint John this year?

22 A. I don't know; I haven't those figures.
23 They can be obtained.

24 Q. There is a way of obtaining these
25 figures?

26 A. Through the customs and through the
27 Bureau of Statistics.

28 THE CHAIRMAN: We may leave this in abeyance.
29 It is unnecessary to have this research made now
30 because the information can be made available. If the



1 Commission feels it is needed then we will ask for
2 it.

3 THE WITNESS: Thank you.

4 THE CHAIRMAN: This is available from
5 public records anyway so it is very easy to have them
6 sent up.

7 MR. JACQUES, Q: And what is your opinion
8 on the meaning of the words "trading regularly"?

9 A. I wouldn't care to express an opinion.
10 We wouldn't want to tie this down too tight in case
11 there is a master who just comes under the line and
12 who is a perfectly good man in the opinion of all
13 concerned, and it might cut him out.

14 Q. I see.

15 A. I confess we have not gone into this
16 matter recently because our thought is, to be
17 quite consistent, that we feel that each of the
18 districts on the east coast is not going to need
19 pilots for some time.

20 Q. And the requirement that we have as
21 as a master could be fulfilled while serving as
22 master of a deep sea ship as well as a home trade
23 ship or a coastwise ship, according to the by-laws?

24 A. Yes; if it were going infrequently
25 enough that, in the opinion of the Board of Examiners,
26 he has had enough experience, yes.

27 Q. The meaning of the word "regularly"
28 would be left up for interpretation by the Board of
29 Examiners?

30 A. Yes. We feel it is a mistake to hold



1 the required qualifications to too exact a line. This
2 should be dealt with on an ad hoc basis. If the man
3 comes up and is able to impress the Board of Examiners
4 with his experience, with his prowess, with the
5 degree of his knowledge of the district, then this
6 should be the criterion.

7 Q. Now, question 22, please -- the IRVING
8 DALE incident, striking an uncharted obstruction.

9 A. This, I think, has to be corrected.
10 This was the IRVING LAKE, not the IRVING DALE. She
11 struck an obstruction in the channel on January 25,
12 1961.

13 This is the date that you have in your
14 question, Mr. Jacques.

15 This was the IRVING LAKE, according to our
16 records:

17 "It is considered that
18 Pilots --- "
19 I needn't name him --

20 "--- committed an error in
21 judgment in allowing the
22 vessel to go too close to the
23 far side of the channel and
24 he was reprimanded--- ".

25 THE CHAIRMAN: What about the uncharted
26 obstruction? Was it investigated?

27 THE WITNESS: I don't think it was uncharted.

28 THE CHAIRMAN: The evidence we have from
29 the local supervisor was to the effect that he still
30 believed that there was one there, and he was asked



1 what he did to have it removed, and he said "nothing"
2 and what he did to draw its presence to the attention
3 of the other people concerned, and he said "Well,
4 we advised the pilots and didn't do anything about
5 the others".

6 MR. JACQUES: Q: In evidence it was stated
7 that he had navigated as close to this buoy as this
8 on previous occasions without running into any
9 obstruction?

10 A. Yes; well, Captain Jones reminds me that
11 as the story came to us there was nothing to indicate
12 to us that this was because of an uncharted obstruction.
13 The buoy was there.

14 THE CHAIRMAN: It was not reported to you
15 by the local supervisor as being so?

16 THE WITNESS: The report came to us in
17 a form which gave no ground for thinking it was
18 uncharted. We understood at the time that the ship
19 had left the channel.

20 Now, I will be very pleased to obtain the
21 exact information on this if your lordship wants it.

22 THE CHAIRMAN: If you could, because there
23 is a contradiction there with the evidence of the
24 local supervisor, taken before this Commission, where
25 he was still convinced that there was no blame to
26 the pilot and there was an uncharted object in the
27 channel, and that he did nothing except report that
28 to the D.O.T. We asked whether it was reported to the
29 D.O.T. and he said Yes, and there was nothing
30 therefore except advising the pilots. That is why



1 we would like to get this. Was it reported to
2 you -- I am just asking the question generally --
3 as a ship having struck an unknown or uncharted
4 submerged object; or, was it reported to you that
5 a ship had gone off the channel and run aground?
6 You need not answer ---

7 THE WITNESS: I would prefer to get the
8 material, my lord, before.

9 THE CHAIRMAN: I will give you a reference
10 to it. Here is the note I have here.

11 Captain McKinnon denies also that the
12 accident was not caused by a submerged object but
13 was caused by or contributed to by the buoy passing
14 between the tug and the IRVING LAKE.

15 This is on page 4060 and line 26. He was
16 also asked what steps he took with regard to the
17 submerged object or to make his report to Ottawa.
18 This is at line 18 of the same page. He did nothing
19 to remove it from the channel nor locate this
20 object. He has not the faintest idea whether it
21 was removed or not except in his report to the
22 Department of Transport he informed the pilots of
23 the situation but nobody else.

24 THE WITNESS: If you will permit me, my
25 lord, we will look into the record on this and give
26 the answer.

27 MR. JACQUES: Q: I am also advised that
28 the wreck of the BEAVER is in that vicinity.

29 A. Is this so?

30 THE CHAIRMAN: This was not given in



1 evidence.

2 MR. JACQUES: No, my lord. The BEAVER HILL
3 did sink in Saint John harbour several years ago
4 and the wreck is in that vicinity so there might be
5 a connection between the accident to which we are
6 referring.

7 THE WITNESS: We will look into that.

8 THE CHAIRMAN: What we are interested in is
9 to find out whether it was reported that there was
10 an unchartered object there and if so, what action
11 was taken.

12 THE WITNESS: Yes, my lord.

13 MR. JACQUES, Q: Because the Commission
14 has in evidence it was reported to your Department.
15 Now, the question ---

16 COMMISSIONER SMITH: With reference to the
17 BEAVER HILL my recollection is that the BEAVER HILL
18 went aground on a shoal on or near Navy Island.

19 THE CHAIRMAN: That is where the accident
20 happened.

21 THE WITNESS: I am afraid I can't tell about
22 this, my lord. I have not the material before me.

23 THE CHAIRMAN: This accident occurred off
24 Navy Island. It is almost 1:00 o'clock now so we
25 will adjourn until 2:30.

26 ---Luncheon adjournment.

27

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30



1 ---Upon resuming.

2 MR. JACQUES, Q: Now, Captain, we had
3 reached question 23. It referred to Exhibit 47.
4 There were charges paid through the pilotage accounts
5 and one charge refers to pilot Colgan.

6 A. Yes, Mr. Jacques. In the fiscal year
7 ending March 21st, 1959 -- that is, 1958 to 1959 --
8 all expenses of the district were paid out of the
9 Saint John pilotage fund and those included expenses
10 of maintenance and operation of the pilot boat, which
11 were reimbursed by the Department. There was also
12 a provision for the payment out of the fund of
13 expenses incurred by pilots in connection with their
14 pilotage work.

15 Q. How long had this practice been going
16 on -- that?

17 A. That what?

18 Q. The practice of paying out of the
19 fund the expenses of pilots in connection with their
20 work?

21 A. Oh, it had been some years. It could
22 be traced back if it is material, but it has been
23 there for some years. A proviso, of course, was that
24 such expenses were approved by the pilots' committee
25 and the superintendent. These expenses were not
26 refundable by the Department. In the case in
27 question there were legal fees incurred in a dispute
28 with Pilot D. Colgan.

29 Q. Would you state the nature of the
30 dispute?



1 A. Colgan was the cause of considerable
2 friction over a period of years and finally he ---

3 Q. Between the pilots or between the pilots
4 and the Department?

5 A. Among the pilots -- between himself and
6 the pilots. There had been considerably difficulty
7 caused by the actions of Pilot Colgan. Finally he
8 followed a consistent course of infraction of the
9 by-laws -- refusal to obey instructions -- and he was
10 then formally charged and given the opportunity to
11 make his defence. Eventually his licence was
12 revoked.

13 Q. How is it that the legal expenses had
14 been paid out of the fund?

15 A. This was provided for under the by-laws,
16 just as were small personal expenses such as flowers
17 and things like this were being paid. This included
18 this kind of thing -- sort of a benevolent fund or
19 benefit fund that they paid out of the pilotage
20 fund, as long as the pilots' committee was in
21 agreement with it and the superintendent.

22 Q. Could I have Exhibit 47?

23 (Same handed to Mr. Jacques).

24 In the last paragraph of a letter dated
25 May 27, 1959 addressed to Mackinnon by Captain Jones
26 it reads as follows:

27 "With respect to the legal
28 fees now being incurred by the
29 pilots other than Mr. Colgan
30 in the matter of the charges



1 confronting the latter they
2 are not under any circumstances
3 to be paid through the pilotage
4 account."

5 Would you explain that?

6 A. May I see that letter?

7 Q. Yes.

8 (Same handed to witness).

9 A. May I point out that this statement
10 dated May 15th which lists "other expenses not
11 refundable" and includes in it "legal fees, \$40.00"
12 was written before this letter of May 22nd in which
13 Captain Jones said that these should not be paid out
14 of the fund. At the moment I am not able to tell
15 whether this was adjusted. Perhaps Captain Cobham
16 can tell us.

17 Q. He does not know anything about what
18 either.

19 A. This is not very material really
20 because if Mackinnon obeyed the instruction that
21 Captain Jones gave him on May 22nd he would merely
22 have to get back this money and then distribute it
23 to the pilots.

24 Q. You do not know whether this \$40.00
25 was in fact repaid?

26 A. I cannot tell you that now. We could
27 no doubt find out if it is material.

28 THE CHAIRMAN: The reason for the question
29 was that it was something we did not understand so
30 we would like some enlightenment on that.



1 THE WITNESS: It was merely a matter of
2 opinion, my lord, as to whether this should be included
3 in these personal expenses which were payable out of
4 the fund and Captain Jones evidently when he wrote
5 this letter felt this should not have been taken out.
6 It would just be a matter then of having the pilots
7 pay it out of their pockets instead of paying it out
8 of the fund -- which was being distributed among
9 them anyhow.

10 MR. JACQUES, Q: I see.

11 A. It makes no practical difference. I
12 may say, my lord, there was a very unfortunate
13 situation existing at that time between Pilot Colgan
14 and the rest of the pilot body. There was a lot of
15 extreme unpleasantness and I can recall interviewing
16 Pilot Colgan. We had much trouble over some years.
17 I asked him point blank how long he thought he
18 would last in a private organization if he behaved
19 like this.

20 I think he did try to redeem himself later,
21 but his license was revoked and then later on it
22 transpired that he had been suffering from some
23 thyroid condition which apparently had affected his
24 attitude and his conduct and he has since died, I
25 may say.

26 THE CHAIRMAN: In any event such a question
27 now will not be raised again because the by-laws have
28 been changed. Such an expense would not come out
29 of the pilots' fund any more.

30 THE WITNESS: I think we still have something



1 like that, my lord; I will check. In the section
2 of the by-laws dealing with the pilotage fund is
3 included the following:

4 "The supervisor shall pay
5 each month out of the pilotage
6 fund the following: (a) the
7 amount required to be paid
8 into the pension fund pursuant
9 to subsection 6; (b) the accounts
10 rendered by the pilots for
11 expenses incurred in the course
12 of their duties, subject to
13 such accounts being approved
14 by the pilots' committee and
15 the supervisor."

16 We have discouraged, my lord, the use of
17 this provision for matters that are not directly
18 connected with the job. There was a tendency to put
19 all sorts of personal matters in there that should
20 not be put in.

21 THE CHAIRMAN: The evidence we had was that
22 the deductible disbursements are those incurred for
23 the benefit of all pilots, such as the expenses of
24 a delegate to the annual convention of the pilots'
25 committee, the annual convention of the Canadian
26 Merchant Guild and things like that.

27 MR. JACQUES, Q: For the pilots would you
28 find out whether the \$40.00 was in fact reimbursed,
29 please?

30 A. Reimbursed in what way?



1 Q. It was paid by the fund obviously,
2 according to these documents.

3 A. We do not know that.

4 Q. You need not answer today, but the
5 answer could be supplied later?

6 A. We will find out just what happened to
7 it.

8 Q. If the \$40.00 was paid by the supervisor
9 out of the fund ~~and to the lawyer~~ on behalf of a
10 pilot ~~and to the lawyer~~ on behalf of a pilot ~~and~~
11 be
12 if the money had to/reimbursed, it must have been
13 collected from the pilot who had retained the services?

14 A. No, it would not be reimbursed by
15 the lawyer to whom it was paid.

16 Q. No?

17 A. It was just a matter of bookkeeping.

18 MR. MACGILLIVRAY: Gentlemen, I understand
19 this was paid on behalf of all of the pilots, not a
20 pilot.

21 THE WITNESS: This would be our reason for
22 refusing to allow it to be paid. Mr. Colgan was
23 interested in the pilotage fund as well.

24 THE CHAIRMAN: I think as far as this is
25 concerned it is a minor matter and we should drop it
26 altogether.

27 MR. JACQUES: Oh, yes.

28 THE CHAIRMAN: We have enough.

29 MR. JACQUES: The pilots, my lord, would like
30 to know what happened to the \$40.00.

MR. MACKINNON: As a matter of bookkeeping if



1 it was reimbursed the only way that it could have
2 been corrected would have been to collect from each
3 of the nine pilots one-ninth of the \$40.00 to be put
4 into the fund, and then distributed among them.

5 MR. JACQUES: If it was an account incurred
6 on behalf of all the pilots.

7 THE CHAIRMAN: If it was an account
8 incurred on behalf of one pilot it would be collected
9 from that pilot and distributed to all the others
10 altogether.

11 MR. JACQUES, Q: Would you check on that
12 and supply the answer at your convenience?

13 A. Yes, we will.

14 Q. Question 24 -- I believe we have
15 touched on that point already.

16 A. Yes. I think the answer to that is
17 that effective January 1st, 1960 the system of
18 reimbursement of pilot boat expenses paid out of the
19 pilotage fund was discontinued and all accounts were
20 paid directly by the Department. Those later
21 annual reports did not show the payment of such
22 operational expenses out of the fund.

23 Q. And the last question, the name of the
24 tug involved in three accidents, April, 1958 and
25 January and December 1959, and the name of the
26 masters of the tugs?

27 A. We have some of this information, my
28 lord. The casualty on April 4th, 1958 was to the
29 ship RUBENS. The tugs were OCEAN ROCKSWIFT alongside
30 starboard bow and OCEAN HAWK starboard quarter on a



1 hawser. We have not got the masters' names in that
2 case.

3 THE CHAIRMAN: And the cause of the
4 accident was mentioned as what?

5 THE WITNESS: I am sorry, my lord; this sheet
6 is just answering the question as to the ---

7 THE CHAIRMAN: Excuse me; would you find
8 the casualty list?

9 MR. JACQUES: Exhibit 60.

10 THE CHAIRMAN: What was the date of the
11 accident?

12 MR. JACQUES: April 4th, 1958, my lord.

13 THE WITNESS: I do have this on the file
14 here now, my lord, if you ---

15 THE CHAIRMAN: Yes; what is the cause of
16 the accident?

17 THE WITNESS: The report by Captain Mackinnon
18 in his covering letter said:

19 "The master confirmed that
20 it was the action of the tug
21 OCEAN HAWK in getting the
22 vessell across the current
23 that caused the mishap and that
24 the pilot should not be
25 considered at fault."

26 THE CHAIRMAN: This is concurred with on
27 Exhibit 60 here. The cause of the accident is
28 stated as "Tug boat captain acting on his own".

29 THE WITNESS: Yes; but the names of the
30 tug boat captains in this case are not shown.



1 On December 22nd, 1959 the ship was the
2 RATHLEN HEAD and the OCEAN HAWK II, forward, H. Haines,
3 master; the OCEAN ROCKSWIFT, aft, A. Cobham, master.

4 January 1st, 1960 ---

5 THE CHAIRMAN: Excuse me; do you know the
6 cause of the accident there?

7 THE WITNESS: I will see what we have here,
8 sir.

9 According to Captain Mackinnon's report
10 the cause of the incident was due to faulty manoeuvres
11 by the tug OCEAN ROCKSWIFT and it is not considered
12 that any blame can be attached to the pilot.

13 THE CHAIRMAN: On Exhibit 60 here the cause
14 of the accident is mentioned, "Captain of tug did
15 not understand order". Next?

16 THE WITNESS: January 1st, 1960 the CAPE
17 ARAXOS, OCEAN HAWK II, Hawser on port bow, Ingalls,
18 master; the OCEAN ROCKSWIFT, Hawser from port
19 quarter, A. Cobham, master.

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1 According to Captain Mackinnon's report
2 the cause of the incident was: "Due to the action of
3 the tug OCEAN ROCKSWIFT in commencing to tow the
4 vessel away from the dock without ~~having~~ received
5 any orders to do so from the bridge; and it is not
6 considered any blame can be attached to the pilot."

7 THE CHAIRMAN: And it is stated "Tug
8 started without signal from the ship".

9 MR. JACQUES, Q: Now ---

10 A. May I dispose of the other one we
11 were talking about this morning?

12 Q. Yes.

13 A. This is the IRVING LAKE.

14 Q. Yes -- struck obstruction.

15 THE CHAIRMAN: That was January 25, 1961?

16 THE WITNESS: Yes; January 25. Captain
17 Mackinnon reported covering the pilot's report:

18 "The pilot reported that
19 while making the turn at Navy
20 Island at the upper end of the
21 Saint John harbour and when the
22 bridge was abeam of Black
23 Spar buoy No. 62-5J, the vessel
24 struck the bottom causing
25 fracture in her forward dry
26 cargo hold. While attempting
27 to get the vessel off damage
28 was caused to the propellor of
29 the tug IRVING TEAK and to both
30 propellers of the IRVING LAKE."



1 Also, the small tug IRVING PINE apparently fouled the
2 moorings of buoy 62-5J and set it adrift. Approximately
3 one and a half hours after grounding the vessel
4 was moved to No. 4 berth west Saint John for survey.

5 In an interview the master corroborates the
6 time and position given by the pilot in his report
7 and also most states most emphatically that there
8 was no question of the pilot being impaired or other-
9 wise through the use of liquor.

10 It is not known what obstacle the vessel hit,
11 but there appears to be no question but that the
12 vessel was in the marked channel, and therefore no
13 blame should be attached to the pilot.

14 All pilots have been warned of the
15 obstruction which apparently exists close northward
16 of buoy No. 62-5J and advised to keep more to the
17 other side of the channel".

18 MR. JACQUES: Q: Was a sweep made to
19 discover whether there was an obstruction or not?

20 A. Not so far as I know; but when we look
21 at the chart we see that the buoy is not on the edge
22 of the shallow water; the ground does go out past
23 the buoy.

24 In any case, it seemed to us there was
25 little doubt that the pilot had gone a little too
26 close to the ground on the port side, on the bend.

27 That (indicating) was the chart you had out.

28 You will notice that the pilot said he was
29 in the marked channel. Well, what would you call
30 the marked channel there?



1 Q. Well, we will let the chart answer.

2 A. You see, the buoy is really here
3 (indicating) and outside the buoy there is three
4 feet.

5 Q. As shown on the chart?

6 A. As shown on the chart.

7 Q. Is that a sounding in feet, or fathoms?

8 A. In feet.

9 CAPTAIN COBHAM: At that time there should
10 have been at least eighteen feet.

11 THE CHAIRMAN: From the evidence the
12 pilot said that when they struck the ledge they were
13 about 60 feet abeam the buoy.

14 THE WITNESS: I haven't a pair of dividers
15 here. Sixty feet, according to this chart, is
16 well on the ground. But let us not make a mistake,
17 Nobody would navigate as close, with this chart.
18 There is ground shown outside the buoy and the pilot
19 will always keep well off it.

20 The conclusion we came to was there had been
21 a little error in judgment, or a mistake in this
22 case.

23 THE CHAIRMAN: So it is a charted ledge --
24 the ledge is charted?

25 THE WITNESS: Yes.

26 MR. JACQUES: We must also state that the
27 vessel surely didn't go up there at low tide. There
28 is three feet shown on the chart on this ledge, but
29 soundings are reduced to the lowest normal tide for
30 chart duty.



1 THE CHAIRMAN: So no action was taken by
2 the Department?

3 THE WITNESS: The pilot was reprimanded, and
4 we said that we considered that he had failed to
5 keep far enough away from the buoy.

6 THE CHAIRMAN: So there was no question
7 further with respect to this uncharted obstacle?

8 THE WITNESS: No, not so far as we are
9 concerned, my lord.

10 MR. JACQUES, Q: Would you check with other
11 sections of your department to find out whether
12 there was a sweep carried out in this area, because
13 I am advised that when the BEAVER HILL sank there
14 a section of her bow broke adrift and may be in the
15 vicinity of this buoy.

16 THE WITNESS: We will obtain this information.

17 MR. JACQUES: If you please.

18 COMMISSIONER SMITH: I have just one
19 question, Captain. At the hearings in Saint John on
20 the 6th of June last year the witness, William R.
21 Forsythe, who is president and general manager of
22 Irving Refining Limited, spoke about -- perhaps I had
23 better read a few lines which will form the basis
24 of the question I would like to ask:

25 "The pressure was quite
26 severe and due to adverse
27 currents, and the unwillingness
28 of the Pilots' Association to
29 bring the ships in, we
30 suffered quite a severe delay



1 to tankers who were not docked
2 at all.

3 The entire contents were
4 brought off by lighter. Two
5 other tankers were partly
6 lightered and brought in after
7 delays. One tanker was brought
8 in without any lightering, but
9 after quite a substantial
10 delay..."

11 The witness said that was 1963. That might be
12 "1962".

13 The extra cost to the refinery because of
14 demurrage, tugs, etc., was \$158,000.00 out of pocket;
15 that this loss is purely out of pocket and does not
16 take into account reduced throughput in the refinery,
17 which resulted from the shortage of crude oil.

18 The question I would like to ask is this:
19 Was any protest received from the refining company
20 either to the supervisor in Saint John or to the
21 Department here with respect to this loss due to
22 what the witness said caused the loss? Were there
23 any protests?

24 THE WITNESS: Not so far as I am aware, no.

25 COMMISSIONER SMITH: Thank you.

26 MR. JACQUES: Your figure of 1963 is
27 correct -- what you have just stated. It is reported
28 in volume 34, pages 3787 and 3788. The year "1963"
29 is correct.

30 THE CHAIRMAN: On this subject -- that is, with



1 respect to the problem of freshet and its effect
2 on the Upper Courtenay Channel, from Exhibit 413, which
3 is the exhibit showing the ships that had been delayed
4 or not brought in, I made a little analysis -- I may
5 be wrong -- in the full year there is evidence to
6 the effect that one super tanker is brought in per
7 week; so therefore in four years there were
8 approximately 200 tankers brought in; that is one
9 per week; and that in three to four years some
10 difficulties were encountered and only four ships
11 were not brought in at all; two others which were
12 lightered were delayed; and there were four others
13 with longer delays. That is only ten ships in four
14 years, or ten ships out of 200 in four years, and
15 in very dire circumstances.

16 This is apparent from a little study of
17 the exhibits. This is what I found.

18 Are there any further questions to Captain
19 Slocombe?

20 MR. JACQUES: No.

21 THE CHAIRMAN: Thank you very much, Captain;
22 and we will hear from you tomorrow. We will now
23 ask Captain Cobham ---

24 MR. JACQUES: Captain Cobham would rather
25 wait until Mr. Langlois is here.

26 However, I must state, on behalf of the
27 pilots of the Saint John district, that the letters
28 which emanated from Captain Mackinnon must seem curt
29 to us, but I am advised that the letters and the
30 telephone calls he received from other parties were



1 apparently far more curt than the letters which he
2 wrote.

3 THE CHAIRMAN: I understand; but in a
4 case like this it should be referred direct to
5 Ottawa rather than answering with a curt answer.

6 What we would like to have would be what
7 was the freshet situation during 1962 and whether
8 there was any delay to ships and also as to whether
9 any researches were made in order to find out, or
10 if it was suggested by Irving that they were ready
11 to cooperate and engage in some research as to the
12 cause of the freshet and how it could be ~~iforeseen~~
13 by the water level at Rock Point, or things like
14 that.

15 So I understand that tomorrow you are
16 starting with ---

17 MR. JACQUES: Vancouver, British Columbia,
18 and also New Westminster at the same time.

19 THE CHAIRMAN: Then, that is all right. We
20 will adjourn until tomorrow morning at 10:00 o'clock.

21 ---Thereupon the hearing adjourned at 3:15 p.m.

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ROYAL COMMISSION

ON

PILOTAGE

HEARINGS

HELD AT

OTTAWA

VOLUME No.:

129

DATE:

June 3, 1964

OFFICIAL REPORTERS

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1
2 ROYAL COMMISSION ON MARINE PILOTAGE

3
4 Proceedings of the hearing held
5 in the Tariff Board, Ottawa,
6 Ontario, on Wednesday, June 3rd,
7 1964.

8
9 ---O---

10 COMMISSION:

11 The Honourable Mr. Justice Bernier Chairman
12 Robert K. Smith, Esq. Member
13 Harold A. Renwick, Esq. Member

14
15 ---O---

16 Mr. Gilbert W. Nadeau, Secretary
17

18
19 ---O---

20 COMMISSION COUNSEL:

21 Mr. Maurice Jacques, Q.C.
22

23
24 ---O---

25 Mr. Leopold Langlois, Q.C. for the
26 Canadian Merchant Service Guild, Inc.
27
28
29
30



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1 ---On resuming at 10:00 o'clock a.m.

2 MR. LANGLOIS: My lord, yesterday morning
3 mention was made of the Shipping Federation of Canada
4 having opposed the appointment of an additional pilot
5 in Saint John, New Brunswick. I am instructed this
6 morning that there was a letter received by the
7 Canadian Merchant Service Guild some time in January
8 1964 signed by Mr. C.T. Mearns, general manager of
9 the Shipping Federation of Canada to the contrary.

10 THE CHAIRMAN: In 1964?

11 MR. LANGLOIS: Yes, in 1964.

12 THE CHAIRMAN: When the letter was referred to
13 before it was a letter of December 1962.

14 MR. LANGLOIS: They have changed their minds
15 since. I am getting a photo copy of this letter. I
16 will file it.

17 THE CHAIRMAN: They were convinced after the
18 hearing in Saint John, I suppose.

19 THE SECRETARY: My lord, may I suggest that
20 we give it a number now?

21 THE CHAIRMAN: Yes.

22 THE SECRETARY: Exhibit No. 1155.

23 ---EXHIBIT NO. 1155: Letter from the Canadian Shipping
24 Federation signed by C.T. Mearns
25 to the Canadian Merchant Service
26 Guild dated January 1964.
(To be filed)

27 MR. SLOCOMBE: May I see that, sir.

28 MR. LANGLOIS: I have not got it yet.

29 MR. SLOCOMBE: My lord, may I say our counsel,
30 Mr. Macgillivray, is in bed with a cold this morning



1 and will not be able to be present. Tomorrow, if he
2 is well enough, he will be before a Senate Committee
3 so I am afraid we will not have him here any more.

4 THE CHAIRMAN: In the event that there should
5 be anything you wish to add later on, it will be all
6 right.

7 MR. SLOCOMBE: Thank you, my lord.

8 MR. JACQUES: Captain Cobham has some
9 evidence to give.

10 R.V. COBHAM, sworn

11
12 DIRECT EXAMINATION BY MR. JACQUES:

13 Q. Captain, would you tell the Commission
14 whether the proposal which was made when the Commission
15 sat in Saint John, with respect to a meeting of the
16 pilots and interested parties to try and evolve a
17 method of ascertaining the time at which super
18 tankers could be taken in Courtenay Bay, was held?

19 A. To the best of my knowledge there has
20 been no meeting.

21 Q. There has been no meeting?

22 A. That is right.

23 Q. It has not been ---

24 A. It has not been held.

25 Q. Were the pilots approached in any way
26 by the refinery authorities or any of your interests
27 with respect to that problem?

28 A. No.

29 Q. With respect to the use of Irving tugs
30 as opposed to Saint John tugs, has there been any



1 changes in Saint John's?

2 A. Well, at the present time they are
3 forced to use Saint John tugs whether they want to or
4 not. The Irving tugs are out of port.

5 Q. Are out of the port?

6 A. That is right.

7 Q. How long?

8 A. That is two of them out of port. There
9 was only one left.

10 Q. Would you give the names of those
11 remaining in Saint John?

12 A. The larger tugs, IRVING OAK, the only one.

13 Q. Is the only one?

14 A. That is right. They have pup tugs but
15 of these large tugs, the only one.

16 Q. We are primarily concerned with the
17 large tug?

18 A. That is right.

19 Q. Is the OAK used by the pilots to the same
20 extent ---

21 A. That is right.

22 Q. As she was?

23 A. Yes.

24 THE CHAIRMAN: So therefore even for the
25 Irving tankers, you are obliged to use Wilson's tugs
26 now?

27 THE WITNESS: Yes, sir.

28 THE CHAIRMAN: Because there are not enough
29 Irving tugs available?

30 THE WITNESS: That is correct, my lord.



1 MR. JACQUES, Q: Now, during 1964, I believe
2 the freshet has started now, has it?

3 A. Over.

4 Q. It is over?

5 A. Yes.

6 Q. Were any super tankers delayed?

7 A. They had difficulties at the refinery.

8 To what extent it was, I don't know. It was closed
9 down. Whether it was closed entirely or not, I am not
10 sure. I don't know.

11 Q. Were there super tankers calling at
12 Saint John?

13 A. There were no tankers.

14 Q. There were no tankers?

15 A. No tankers.

16 THE CHAIRMAN: We saw in the paper there was
17 a strike there so maybe that is what you are referring
18 to?

19 THE WITNESS: No, my lord, not the strike.
20 There were other difficulties there. I am not at
21 liberty to dilvuge. I just don't know. It is only
22 hearsay.

23 MR. JACQUES, Q: It is something that you
24 heard?

25 A. Yes, that is right.

26 THE CHAIRMAN: So there was no tanker called
27 during that time?

28 THE WITNESS: That is correct.

29 THE CHAIRMAN: And therefore none were delayed
30 or did not go in?



1 THE WITNESS: That is right.

2 MR. JACQUES, Q: Apart from that, how was
3 the freshet this year?

4 A. Well, we are very fortunate with the
5 freshet this year. It rose approximately to 23 feet
6 at Fredericton and in the vicinity of 13 feet at
7 Oak Point. Had the tankers arrived at neap tide,
8 it would have been impossible to get them in.

9 THE CHAIRMAN: It would have been impossible?

10 THE WITNESS: Absolutely.

11 THE CHAIRMAN: For how long?

12 THE WITNESS: At spring tides it slackened
13 up sufficient to get them in. It would slacken
14 sufficient.

15 THE CHAIRMAN: So they could have been
16 brought in during the day, any day, or would they
17 be delayed for a few days?

18 THE WITNESS: They would have been delayed.

19 MR. JACQUES, Q: Would you give us an
20 explanation of neap tide and spring tide?

21 A. In a neap tide they draw as low as 21
22 feet. The springs are 29 feet.

23 Q. A neap tide is a tide the range of which
24 is greatest during the month ---

25 THE CHAIRMAN: About a week.

26 THE WITNESS: The spring tide.

27 MR. JACQUES, Q: And a neap tide is the
28 reverse?

29 A. That is right.

30 THE CHAIRMAN: It is about a week?



1 THE WITNESS: Approximately.

2 THE CHAIRMAN: It lasts about a week?

3 THE WITNESS: Yes. I may add that we may
4 have more difficulty in Saint John. The last week or
5 week before we had a ship in with $12\frac{1}{4}$ million gallons
6 of crude oil, 760 feet, she has approximately 103 to
7 105 foot beam. Her summer draft is 38 feet 6.

8 MR. JACQUES, Q: What did she draw when she
9 arrived?

10 A. Thirty-eight feet.

11 THE CHAIRMAN: Is that the biggest ship?

12 THE WITNESS: That is the largest carrier so
13 far.

14 THE CHAIRMAN: What was her name?

15 THE WITNESS: OTTO N. MILLER.

16 THE CHAIRMAN: You had a MILLER before?

17 THE WITNESS: It was a different MILLER.

18 This is a new ship of Standard Oil.

19 MR. JACQUES, Q: Did she come in?

20 A. Yes.

21 Q. Without any difficulty?

22 A. Yes. Fortunately there was a 28 foot
23 tide. When you go down to a 24 foot tide, for
24 instance, they expect their ships to come in. At the
25 very maximum they have, if our plan is correct --
26 if our pilot is correct -- we only have forty feet.
27 That gives you two feet underneath that ship, which
28 is insufficient.

29 THE CHAIRMAN: For that big ship, do you have
30 suction tugs or powered?



1 THE WITNESS: The same number of tugs.

2 THE CHAIRMAN: Was it suction as far as
3 power was concerned?

4 THE WITNESS: Sufficient power for the tugs?

5 THE CHAIRMAN: Yes.

6 THE WITNESS: No. She got in all right but
7 with a ship as heavy as that ship, we have insufficient
8 tugs to move a ship of that type there.

9 MR. JACQUES, Q: She went into Courtenay
10 Bay?

11 A. Yes, sir.

12 Q. According to the latest soundings taken
13 in the Courtenay Bay Channel, are you able to say
14 whether there are any shoal patches in that channel
15 which have been discovered?

16 A. There are in the vicinity at the end
17 of the breakwater, mid channel.

18 Q. At the end of the breakwater at mid
19 channel?

20 A. That is right.

21 Q. Was the existence of that shoal known
22 previously?

23 A. It has been for three years.

24 Q. It has been for three years?

25 A. That is correct.

26 Q. And was it published or advertised in any
27 way on the charts or through notices to mariners?

28 A. I don't know if it has been issued in
29 notices to mariners but we have had letters from the
30 Public Works Department. They guaranteed no more



1 than sixteen feet low water.

2 Q. You received those letters from the
3 Department?

4 A. Our supervisor did.

5 Q. Were those letters sent to the supervisor
6 at the request of the pilots?

7 A. I couldn't answer that question.

8 Q. You do not know whether it was a request?

9 A. No.

10 Q. For that information?

11 A. No.

12 COMMISSION SMITH: Captain, in connection with
13 the channel of Courtenay Bay, it is a continual operation
14 -- well not continual but an annual operation of
15 dredging there. Is that correct?

16 THE WITNESS: Correct.

17 COMMISSIONER SMITH: All the time?

18 THE WITNESS: All the time.

19 MR. JACQUES, Q: To turn to a different
20 subject altogether, captain, there was a discussion
21 yesterday about the source of pilots in Saint John,
22 New Brunswick. At the moment there is no apprenticeship
23 system and the requirements are that the applicant must
24 have a master's home trade certificate. He must have
25 served at least two years as master of a ship trading
26 regularly in the district of Saint John.

27 A. That is correct.

28 Q. To the best of your knowledge are you
29 able to tell the Commission whether there are many
30 Canadian ships trading in and out of Saint John, New



1 Brunswick in the home trade or deep sea.

2 A. In the home trade we have the PRINCESS
3 OF ACADIA operates daily and that has one berth only
4 in the harbour. It is the main harbour. Imperial Oil
5 operate in Courtenay Bay.

6 Q. Yes.

7 A. With their tankers. All masters are
8 over the age limits.

9 Q. The masters of those particular ships?

10 A. Yes.

11 Q. Do you know them?

12 A. Personally. As far as coasters are
13 concerned, there is no coaster that I know of that
14 operates in and out of Saint John with a certificate
15 over 150 gross tons.

16 Q. What do you foresee for the future of your
17 system?

18 A. Even for foreign-going ships of other
19 countries, British subjects, they do not operate
20 sufficiently in and out of the Port of Saint John to
21 warrant taking them on as pilots as they may come in
22 maybe two or three times a year.

23 Q. You personally would not think that that
24 would fit into the definition of trading regularly?

25 A. Absolutely.

26 Q. Would your group then think of
27 establishing an apprenticeship system?

28 A. Well, we have never discussed the matter
29 of an apprenticeship system. I personally believe we
30 will have to revert back to it.



1 Q. Revert back to an apprenticeship system?

2 A. Yes, that is right.

3 THE CHAIRMAN: I understand from the evidence
4 yesterday when you need some more candidates that
5 advertisements are posted in the papers and so on. Do
6 you recall the last time how many applicants came and
7 when was the last time that it was so published?

8 THE WITNESS: To the best of my knowledge
9 it would be somewhere in October two years ago, a year
10 ago last October.

11 THE CHAIRMAN: Did you have any candidates?

12 THE WITNESS: We had one that passed at the ---
13 There were approximately six candidates, two of them
14 -- all with their master's certificates.

15 MR. JACQUES: Q: Masters of home trading?

16 A. Home trading. Two of them -- three of them
17 fell down in seamanship. They had absolutely no
18 experience in the Port of Saint John although they
19 are operating in and out of there -- no experience at
20 all. We had one that passed.

21 Q. One?

22 A. One.

23 Q. That passed?

24 A. Yes.

25 Q. What is his name?

26 A. Boutillier.

27 CAPTAIN SLOCOMBE: And this Mr. Boutillier is
28 still available for the next vacancy. That is
29 correct, is it not?

30 THE WITNESS: That is right, sir.



1 CAPTAIN SLOCOMBE: This is in response to
2 the last examination and he is still available for the
3 next vacancy whenever it is available.

4 THE WITNESS: He is still operating in and
5 out of the port.

6 THE CHAIRMAN: Thank you, captain.

7
8 CAPTAIN F.S. SLOCOMBE, resumed

9 DIRECT EXAMINATION BY MR. JACQUES:

10 Q. Now, captain, we shall deal with the
11 pilotage district of British Columbia. The first
12 question deals with the extent of the authority of
13 the local supervisor as to the problems which he has
14 to refer to Ottawa and the problems which may, if he
15 wishes, be referred to Ottawa, but problems he may
16 decide himself on the spot.

17 A. The regional superintendent in a case
18 of the District of British Columbia or the district
19 supervisor in a district, where there is no regional
20 superintendent, is the representative of the pilotage
21 authority there and he should be able -- he is
22 responsible for the complete administration of the
23 district, responsible to the Minister of Transport as
24 pilotage authority.

25 Now, this is the ideal case and it should
26 not be necessary for the Department to come into it
27 at all. This worked very well as long as the local
28 supervisor never took action which did not please the
29 pilots. I am not speaking only of British Columbia
30 now. This is a general statement.



1 When this happened, the pilots went over the
2 head of the local supervisor or local superintendent
3 and appealed to the Minister of Transport.

4 THE CHAIRMAN: You say "went over the head."
5 Do you mean they went to him first in the first
6 instance?

7 THE WITNESS: When they couldn't get what they
8 wanted from the local superintendent or local
9 supervisor they appealed to the Minister of Transport.
10 This is not only pilots, my lord, the shipping
11 interests as well would do the same thing.

12 This inevitably brought in the Department as
13 an advisor to the Minister of Transport and it did
14 happen that local supervisors decisions -- and again
15 I am not speaking necessarily of B.C., were overridden
16 by the Department and this made a very unsatisfactory
17 situation and finally we advised each of our district
18 supervisors to check with the Department first before
19 going out on a limb in any decision or any matter of
20 policy, local policy that might be in question.

21 MR. JACQUES, Q: How long ago did you give
22 that directive to your supervisors?

23 A. This may not have been a specific direction
24 in this sense but in conversations and in discussions
25 over the years we have gradually brought them to this
26 understanding, that it is wisest to check with the
27 Department first so that they can be sure whether or
28 not they are going to get the backing of at least we
29 on the official level.

30 --

--

--



1 Q. In practice, does this mean that nearly
2 all matters are first referred to Ottawa for opinion
3 before the local supervisor renders a decision?

4 A. Oh, no, my lord; this is not so. There
5 is a vast amount of work -- routine, daily work -- of
6 a district that is dealt with by the local supervisor.

7 Q. And is there a clear cut line, or any
8 line at all, between matters which the local supervisor
9 has to refer to Ottawa and matters with which he may
10 deal himself on his own?

11 A. There is the obvious line of demarcation
12 where something has to be brought about by amendment
13 to the by-laws, or anything that requires an act, or
14 a legal act, as you may say, which, of course, has
15 to go -- if it is going to the Privy Council -- it
16 has to go through the Department first.

17 Q. And in matters of interpretation of
18 by-laws may he have to refer that to Ottawa?

19 A. Not so far as we are concerned; but if
20 he makes a wrong judgment then it is bound to come
21 up and we are bound to give the opinion. It might be
22 in support of his previous judgment or otherwise;
23 but he is responsible for the local interpretation
24 of by-laws, and if he is wise he will get some support
25 if he feels there is anything controversial.

26 THE CHAIRMAN: So he is, then, going to
27 decide whether there is something controversial. This
28 is from a practical standpoint; so therefore he is
29 really in a position to accept or implement what
30 everybody has agreed to?



1 THE WITNESS: I am afraid this is the case.
2 This is unfortunate, and not what we, the Department,
3 would like.

4 THE CHAIRMAN: I am very glad that you
5 brought it up because it shows the position and the
6 system of appeal. We believe there should be appeal
7 in law on any issue taken at one level -- there should
8 be appeal to a second level; but very often from my
9 experience and from what I have seen with the appeal,
10 it is usually an automatic appeal; it doesn't matter
11 what happens; it is an automatic appeal.

12 In the United States they are providing free
13 legal service in criminal matters, and this has been
14 extended to appeals; so now appeal cases are brought
15 because it is free. So this is something that we have
16 been thinking of, and we have a very good example of
17 that there. So that the superintendent is not really
18 an authority; he is just as a rubber stamp for
19 questions that have been agreed on by all the parties
20 concerned; and if it is a contentious thing it is
21 passed to a superior, as in a court of appeal; but in
22 this case the question comes before you?

23 THE WITNESS: This is correct; and we would
24 like to decentralize it. The fact that the Department
25 comes into it so much is not the fault of the
26 Department; it is because local decisions, perhaps,
27 have been faulty on occasion, or, in any case, they
28 are not accepted by the parties concerned.

29 THE CHAIRMAN: I was just wondering whether
30 the local superintendent, being really the manager



1 of the district, where he is in a position to be also
2 a judge on matters like that -- whether it should not
3 be a group distinct from him -- separate from him. He
4 is only the manager of the district -- that there
5 should be another group or another body that should
6 be independent but not closely related to the
7 administration -- the day-to-day administration of the
8 district -- I don't know.

9 THE WITNESS: Of course, this would require
10 legal changes, my lord, but we have tried to move a
11 little in this direction by the formation of the
12 local advisory committees which brought together the
13 shipping interests and the pilots with the local
14 superintendant as the chairman, where points at issue
15 could be discussed with the hope of reaching accord
16 or a meeting of minds, so that there would be no
17 difficulty. This has been successful to a certain
18 extent, but wherever there is an impasse, then, of
19 course, it must be taken to a higher authority.

20 THE CHAIRMAN: But I am wondering it is a
21 good principle to say that your organization should be
22 ruled by meeting of minds, or whether there should
23 be authority which may go against some thinking of
24 some persons -- against the opinions of some -- for
25 the good of the system or the service?

26 THE WITNESS: Well, of course, under the
27 present circumstances the Minister of Transport is
28 that authority.

29 THE CHAIRMAN: He is the one when it comes
30 to it -- it has to be by him?



1 THE WITNESS: This is right; and in such a
2 case somebody is always displeased.

3 MR. JACQUES, Q: In answer to a question
4 put by Mr. Bird Captain Eddy said:

5 "The disciplinary measures
6 in regard to casualties have never
7 been applied by me; they have
8 always been applied from Ottawa
9 in regard to casualties."

10 This seems to imply that as regards disciplinary
11 measures there are some with which he may deal
12 immediately locally and there are some which he must
13 refer to Ottawa?

14 A. Yes; the by-laws for disciplinary
15 measures to be taken by the local supervisor for minor
16 matters, and he is empowered to impose a fine up to
17 \$40.00, is it?

18 Q. It used to be that way, but if my
19 memory serves me rightly the by-laws have been amended
20 and that power has been taken away from the local
21 supervisor.

22 A. I think we put it back in.

23 I may say in this regard, my lord, that of
24 late years this question of disciplinary action has
25 been the cause of a lot of discussion and a lot of
26 argument and a lot of doubt as to powers. It is not
27 like a ^{private} ~~public~~ organization where an employer may
28 discharge a man for cause, for what his manager feels
29 is sufficient cause, and he is not confronted by an
30 army of lawyers waiving the Bill of Rights. But there



1 has been doubt among counsel as to the -- what is the
2 word -- the fittingness of the present provisions,
3 the disciplinary provision of the by-law, and this is
4 something that is still under consideration.

5 There has been a memorandum on Mr. Macgillivray's
6 desk since before Christmas on this. It is just one
7 of these serious problems that must be given time to and
8 there is not the time to give to it, apparently.

9 But we do hope, if we still have anything to
10 do with pilotage, that we will be able to devolve some
11 system which will meet the objections of the legal
12 people.

13 THE CHAIRMAN: In the interests of discipline
14 there has to be an authority able to dispose of it,
15 otherwise you have chaos.

16 THE WITNESS: This is correct.

17 MR. JACQUES, Q: Now, Captain Slocombe,
18 Captain Gossé in his evidence, volume 5, at page 596,
19 answers as follows questioning by myself -- and this
20 is an excerpt from the brief:

21 "We submit that many local
22 problems could be more speedily
23 solved if the superintendent
24 of the district, in consultation
25 with the local pilots committee,
26 was given more authority to
27 deal with any local problems
28 that continue to arise from
29 time to time."

30 Would you know to what local problems reference is made



1 there?

2 A. No, I wouldn't be able to put my finger
3 on any specific one; but with all due respect to
4 my friend, the late Captain Gösse he knew very well
5 that whenever there was a disagreement he was very
6 quick to pick up the telephone and contact Ottawa.

7 COMMISSIONER SMITH: In another connection,
8 captain, to add to what counsel has said, Captain Goth
9 said this:

10 "Now too many people mixed
11 up with pilotage. Against remote
12 control."

13 THE WITNESS: This is right, Mr. Smith; and
14 it would be the ideal situation so far as Captain Gösse
15 was concerned, if there had been one person whom they
16 could convince of the need for a system, or the
17 desirability of a certain course of action, and that
18 person would have complete power to put this into
19 effect; but this is not a feasible plan, for everybody
20 is responsible to somebody higher. The Minister of
21 Transport is responsible to the Prime Minister and
22 the Prime Minister is responsible to somebody -- to
23 the House.

24 COMMISSIONER SMITH: I think, to be fair
25 to the late Captain Gösse, that he said somewhere --
26 I can't just put my finger on it -- but somewhere in
27 the evidence he suggested a different system of
28 operation, under a commission, or under a board, which
29 would take away a lot of these minor complaints and
30 criticisms he makes of the present system.



1 THE WITNESS: Oh, yes; that might be the
2 answer; but under the present system it is inevitable
3 that somebody is responsible to somebody higher up.

4 MR. JACQUES, Q: In connection with this,
5 Mr. Smith, Captain Gossage gave two examples of problems
6 which apparently he felt should be dealt with locally,
7 and they are both at page 597 of volume 5 of the
8 evidence, and I quote:

9 "Q. You mentioned two examples
10 of these problems and one was
11 relating to messages, E.T.A.'s.
12 Could you give the Commission
13 further examples of those
14 problems which could not
15 be solved by the local
16 superintendent?

17 A. Well, we had an occasion
18 of leave time. We submitted
19 to the superintendent our
20 suggestion of leave time for
21 the pilots, and he said
22 'You have to give me a
23 letter on that. I must send
24 it back to Ottawa for
25 acceptance.'

26 Q. What was the problem then?

27 A. There was no problem except
28 that we were changing our
29 leave time and we decided
30 at a meeting by ballot we



1 were going to change our
2 leave time, and this was..."
3 and it goes on to explain what the leave time system
4 was. Would you have any recollection of these
5 problems?

6 A. The first one was ---?

7 Q. Was the E.T.A. messages.

8 A. I can quickly dispose of that one.

9 It was the practice, and it still is, in British
10 Columbia, to contact by radio -- by wireless -- every
11 ship approaching the district and ask the ships for
12 the E.T.A. Well, among the other measures which we
13 tried to put forward as a result of our instructions
14 to cut down on expenses and the austerity program,
15 this was the thought that this money might be saved.
16 This was money that was paid by the Department, not
17 out of local revenue; and it was quite a considerable
18 sum in total, although it might be peanuts when you
19 think of millions; but it is the small items we were
20 urged to cut down on. So instructions were given
21 to Captain Eddy that this shouldn't be necessary; that
22 it was the responsibility of the incoming master to
23 give his E.T.A. if he wanted to and if he wanted the
24 pilot to be available when required.

25 Now, this was, I believe, not agreed to --
26 not concurred in, shall I say -- by Captain Eddy
27 because he felt that this was something that
28 facilitated the administration of the district; but we
29 had to try it. However, the pilots raised quite a
30 fuss about it and, as usual, we gave in to them.



1 Q. Pursuing this matter a little further,
2 I should like to read this section from the evidence
3 of Captain Gosse, again volume 6 at page 602. I was
4 asking him to give us further examples of this problem
5 of authority, and his answer is this:

6 "Well, I can only tell you
7 this, that we, up until the last
8 few years -- I would say five
9 years -- we have not had too
10 much trouble. Usually a stand
11 is taken; somebody takes a
12 stand. The only time we have
13 trouble is when we go back to
14 Ottawa and we can't see the
15 higher-up officials. We are
16 passed on to the lower officials
17 in the Department. We don't
18 get any satisfaction; and it is
19 just a waste of money the trip
20 back and forth."

21 What would be your views on that statement?

22 A. May I remark that this is becoming
23 something like a seance. The late Captain Gosse
24 was very well known to the Department, as you know.
25 He and I had worked together for some fifteen or
26 twenty years -- fifteen years anyway, I guess. He
27 travelled around with the Audette Committee. He was
28 a member of the Audette Committee of which I was
29 secretary. We got to know each other very well. But,
30 still, Captain Gosse knew very well that he shouldn't



1 expect to have the top level civil servants, or even
2 the Minister, available whenever he wanted to come to
3 them. They would have other things to think about
4 than the troubles of a small group of pilots. This
5 is inevitable, that when they would want to see the
6 Minister he might not be available, so they would try
7 to see the Deputy Minister and he might not also be
8 available, so it would go down. It is too bad he had
9 to come down to the minor officials like ourselves;
10 but we had to do the best we could.

11 Q. Is there anything else you would like to
12 add on this authority of the local supervisor?

13 A. No; I think I have explained the
14 situation. We would prefer that the local supervisor
15 would be able to handle things himself, but under
16 conditions as they are this has not been possible.

17 Q. One last question: Don't you think
18 that some of your problems might come from the type
19 of man you employ as supervisor, because, in theory,
20 all supervisors have equal authority? Am I right
21 in saying that, in the districts administered by
22 the Minister?

23 A. This is correct; and this is what makes
24 this job of local supervisor a difficult job. He has
25 a number of most individualistic people to deal with
26 and he has to try to coordinate the views of them
27 all.

28 Q. And it requires certain qualities?

29 A. Yes, it certainly does.

30 Q. Examples of which we have seen in the



1 course of the investigation?

2 A. Exactly.

3 THE CHAIRMAN: Before you change from one
4 subject to another, would you pause for a second so
5 that we can look through our notes. We have a lot of
6 notes here and there may be something we wish to
7 add.

8 MR. JACQUES: Commissioner Smith has a
9 question.

10 COMMISSIONER SMITH: My lord, I would like
11 to read a statement in the transcript from Mr.
12 Middleton and get Captain Slocombe's reaction.

13 He is the resident director of Godbout and
14 Company and chairman of the committee of the Vancouver
15 Chamber of Shipping, and this is what he said -- and
16 I think it comes under this heading; if it doesn't
17 somebody stop me. This is what I have taken from
18 the transcript: He says:

19 "Shipping interests'
20 representatives should be
21 allowed to attend preliminary
22 inquiries into casualties."

23 He said:

24 "Highly antagonizes
25 shipping by refusing them
26 permission to attend."

27 Further he says:

28 "The investigation is only
29 to discipline the pilot and find
30 out in what way he violated



1 departmental instructions and the.
2 by by-laws. The matter should
3 be watered down for the present
4 procedure is not really that
5 important."

6 He goes on to say that he agrees with the pilots in
7 their claim to be professional people, but claims
8 that they cannot deal with them on a professional basis
9 because they inevitably fall back on a trade union
10 type of negotiation.

11 Have you any comments to make on this?

12 THE WITNESS: I haven't any comment on the
13 last part of that, but I can explain the first part.
14 A preliminary inquiry under the Canada Shipping Act
15 is for the information of the Minister of Transport.

16 --

21 --

28 --



1 It is on the basis of the reporting officer
2 holding the preliminary inquiry that a decision is
3 made as to whether or not there will be a formal
4 investigation, which will be public. This preliminary
5 require is almost an examination for discovery, but
6 it has been the practice of the Department to permit
7 to be present the representatives of the person being
8 examined at the time. If a master of a ship is
9 being examined the owners are permitted to be
10 represented there, but not to take an active part.

11 THE CHAIRMAN: Only at the time of the
12 testimony of that man, and then they move out?

13 THE WITNESS: This is correct, my lord. If
14 it is a case of a collision for instance you have to
15 make a differentiation, but I may say, my lord, that
16 this is something that is in this reconsideration we
17 are making now of the system.

18 THE CHAIRMAN: Yes. Excuse me, while on
19 this subject, in theory it might be quite all right
20 to have a series of inquiries like that but in
21 practice we are faced with the time element here. The
22 first thing you know the ships are not there any more,
23 the captains ^{are} overseas and the witnesses are unavailable.
24 Do you not agree that in practice any inquiry that
25 is to be held should be held immediately after a
26 casualty?

27 THE WITNESS: This is exactly the situation,
28 my lord. This is what is required. The difficulty
29 that you have mentioned is the difficulty that we have
30 to get over and find a solution for. The proposal



1 that has been put forward, which has not yet been
2 ruled on as to its legality or its possibility of
3 working from a legal point of view, if we can find
4 something along the lines of what has been proposed
5 I think that this difficulty to do with inquiries will
6 no longer exist.

7 THE CHAIRMAN: In the case of a fatality in
8 the province you have what we call a court inquest and
9 this is public. Everybody is there and the evidence
10 given there generally, except for perjury, is not
11 available for future litigation. It is only fact-
12 finding and nobody can incriminate himself. This is
13 a public inquiry and everybody is there. It is the
14 first inquiry being made and everybody is there and
15 everybody can put questions through the president.

16 THE WITNESS: I think perhaps the reluctance
17 of the Department to open a preliminary inquiry to
18 anybody has been that the officer who holds the
19 preliminary inquiry is not a lawyer. He is a master
20 mariner and an official of the Department who must
21 get to the spot, as you mentioned, as soon as possible,
22 and find out what happened. His own knowledge, his
23 own practical knowledge enables him to ask the
24 searching questions that bring out the correct
25 information as to the reason for the casualty.

26 But there was always the fear (I think I
27 can say this) that if these were open to other people,
28 particularly legal people, and they were permitted
29 to ask questions it would not be possible to get out
30 the proper story.



1 COMMISSIONER SMITH: Perhaps, Captain --
2 and this is in line with what Mr. Middleton suggests;
3 he says the name should be watered down from an
4 "inquiry" to something else because it is not an
5 inquiry because they are not able to inquire. Would
6 the change of the name to something else be ---

7 THE WITNESS: No, Mr. Smith, I do not think
8 so. This is purely a matter of semantics. It is
9 referred as a "preliminary inquiry" in the Canada
10 Shipping Act and a differentiation is made in the
11 case of an investigation. A "formal investigation"
12 is the term used in that respect and "preliminary
13 inquiry" in the case of the preliminary.

14 COMMISSIONER SMITH: So you do not agree with
15 Mr. Middleton in that statement, in that connection?

16 THE WITNESS: I do not agree.

17 COMMISSIONER SMITH: The change of the name.

18 THE WITNESS: No, I do not agree this would
19 make any difference, but I do agree an improvement is
20 most desirable in this situation. Everybody agrees
21 on that.

22 MR. JACQUES, Q: And the practical result
23 of the inquiries that you hold, or your Department holds,
24 is that a "show cause" letter is then sent to the
25 pilot stating, "You have been guilty of negligence in
26 that you did not take precaution A, precaution B,
27 precaution C, and we propose to suspend you for two
28 weeks or withdraw your licence unless you show that
29 you were not negligent".

30 THE CHAIRMAN: I do not know whether we should



1 get into all that now. This line of questioning should
2 be well prepared on that, because we are quite
3 interested in knowing all the facts as far as that
4 is concerned. So I do not think we should sidetrack
5 our questions to that.

6 MR. JACQUES: Very well.

7 THE WITNESS: I do not think much good would
8 come of it, my lord, because the commissioners are
9 well aware of the situation and the Department is
10 also aware of a need, of a desirability of an
11 improved system.

12 THE CHAIRMAN: The question is as to what
13 kind of inquiry this is. Is it an inquiry into a
14 casualty? Is it fact-finding as far as the situation
15 that happened is concerned, or is it an inquiry with
16 regard to the conduct of the pilot? These are two
17 different things.

18 If you are just inquiring as to the pilot's
19 action and responsibility, this might be different
20 from just finding out what happened with regard to
21 an accident -- just a fact-finding body like a court
22 of inquiry as we had in the army, in the armed forces.
23 Whenever there was an accident or a mishap we had
24 an inquiry into the mishap, not against or on the
25 conduct of somebody.

26 In these inquiries it was not directed against
27 anybody so therefore nobody has to be forewarned.
28 But whenever the president was noticing that the
29 character of somebody could be involved, then he
30 was called and given the opportunity to cross-examine,



1 to recall the witnesses and so on. This is the army
2 procedure and the armed forces procedure.

3 THE WITNESS: Yes, my lord. Well, under
4 the Canada Shipping Act no action can be taken against
5 a certificate of an officer on the basis of a preliminary
6 inquiry. But in the case of the pilotage, the
7 pilotage authority is given rather wider powers, it
8 has been felt; but, as I say, the legal opinion is
9 changing in this matter. Mr. Jacques and Mr. Langlois
10 are very well aware of the situation.

11 MR. JACQUES: Thanks to our reference.

12 THE CHAIRMAN: They know the faults in the
13 law.

14 THE WITNESS: Yes, sir. I have had letters
15 from a certain legal gentleman accusing us of Star
16 Chamber methods.

17 MR. JACQUES: Do not name him.

18 THE CHAIRMAN: That is all right.

19 Do you have any other questions?

20 COMMISSIONER SMITH: Just one question, my
21 lord. I am sorry I cannot find the exact quote, but
22 I will try and repeat it as near as I can remember it.
23 This is Mr. Middleton too and the gist of it is that
24 in the negotiations between the shipping people and
25 the supervisor there the questions are discussed, and
26 this has particular reference to the matter of tariffs
27 and imposts. Questions are discussed and the way
28 the matter is left -- this is Middleton quoting the
29 supervisor -- is that if the pilots agree to so and
30 so then it will be put in the by-laws.



1 That inference is that it does not matter
2 what anybody else thinks about it. If the pilots agree
3 to this, why, then we recommend that it be put through
4 headquarters and be put in the by-laws. I am not
5 quoting him exactly, but that is the gist of what he
6 said.

7 THE WITNESS: Yes, Mr. Smith. This was the
8 practice for many years, that if the local shipping
9 committee of the Vancouver Chamber of Shipping came to
10 an agreement with the pilots, with both parties agreed
11 on an amendment to the tariff, then usually the
12 Department did not raise any objection. There seemed
13 to be no reason, because the people who were paying
14 the money and the people receiving it were in accord
15 on the matters.

16 COMMISSIONER SMITH: Yes, but he sort of
17 left the impression, with me at least, that unless the
18 pilots agreed to the proposal then no recommendation
19 would be made to change the by-law.

20 THE WITNESS: Oh, I think this is going a
21 little far, Mr. Smith. If there was disagreement,
22 then the supervisor would report it to Ottawa and
23 a decision then would have to be made at headquarters.
24 That is as far as we can say on that.

25 COMMISSIONER SMITH: That is all I have, my
26 lord.

27 THE CHAIRMAN: He went one further and
28 said it was a difficult position there when discussing
29 tariff with the pilots because they are not talking
30 about the same thing. They are talking about cost



1 to shipping and the pilots are talking about their
2 earnings. So he said:

3 "We are not talking about
4 the same thing, so it is almost
5 impossible to agree."

6 THE WITNESS: On the other hand, my lord,
7 there were many years in B.C. when there was an
8 amicable relationship between the shipping people and
9 the pilots and they were able to -- when the pilots
10 asked for an increase in tariff there may have been
11 a compromise, but they did come to agreement and this
12 simplified matters very much. We are sorry it did
13 not last too long.

14 THE CHAIRMAN: It arrived at an end with
15 the Puget Sound affair.

16 THE WITNESS: Well, this might be the last
17 straw, my lord.

18 THE CHAIRMAN: Are there any further questions?

19 MR. JACQUES: No.

20 THE CHAIRMAN: That is all right. You may
21 pass to the second one.

22 MR. LANGLOIS: I have one question, my lord.

23 THE CHAIRMAN: I am sorry. Mr. Langlois?

24 MR. LANGLOIS: Your experience with this
25 committee of the Chamber of Shipping and the pilots
26 in the British Columbia coast district, has there been
27 any difference in the British Columbia district than
28 elsewhere?

29 THE WITNESS: It was more active in B.C.
30 except that it also existed in the St. Lawrence between



1 the Shipping Federation of Canada Incorporated and the
2 St. Lawrence pilots. The same system was followed
3 there. We brought the pilots' representatives and
4 the shipping representatives together and hoped that
5 they would reach an accord.

6 MR. LANGLOIS: Do you recall any instances
7 where agreement was reached between the Chamber of
8 Shipping and the pilots but still the Department did
9 not take any action on the decision agreed on?

10 THE WITNESS: I suspect a trap here; I am
11 not sure. I cannot just recall any particular instance,
12 Mr. Langlois.

13 MR. LANGLOIS: I will show you the trap right
14 now. Is it not a fact that quite a number of months
15 ago an agreement was reached between the Chamber of
16 Shipping and the B.C. coast pilots regarding detention
17 but no action has been taken by the Department yet?

18 THE WITNESS: Oh, yes. This is part of
19 the negotiations that have been going on with regard
20 to the amendment of the by-laws. Captain Jones was
21 over in Vancouver a couple of weeks ago on this and
22 we do hope that at least we will have all the points
23 at issue ironed out so we can have a complete new
24 set of by-laws in which is included these minor
25 adjustments to the tariff that have been agreed upon.

26 I am reminded, my lord, that in the meantime,
27 perhaps illegally, charges are being made by agreement
28 between the shipping people and the superintendent.

29 MR. LANGLOIS: To whose benefit?

30 THE WITNESS: To the benefit of the pilots.



1 MR. LANGLOIS: I am instructed that the charge
2 is not being made in the case of Cape Beale and Triple
3 Island?

4 THE WITNESS: One case where it is not being
5 made.

6 MR. LANGLOIS: Triple Island and Cape Beale.

7 THE CHAIRMAN: I understand that when you have
8 changes to make to the by-laws you will not multiply
9 the changes so you wait until you have something
10 important to make an amendment; is that right?

11 THE WITNESS: This is what we tryed to do,
12 my lord, if we can persuade the pilots to be a little
13 patient when it is something to their advantage. We
14 make ourselves very unpopular with the Privy Council
15 staff if we keep on making submissions to council on
16 small matters -- things that appear to them to be
17 small matters.

18 THE CHAIRMAN: Do you not agree that the
19 by-law is almost a law and therefore it is against good
20 administration if it changes too much?

21 THE WITNESS: I would agree with that. That
22 is why we try to avoid making too frequent submissions
23 to council on these matters.

24 THE CHAIRMAN: And when it is in the by-law
25 it should not be changed for some time unless very
26 special circumstances arise?

27 THE WITNESS: This is correct, my lord.

28 MR. LANGLOIS: May I remark, my lord, when
29 there is a change of tariff involved there is a
30 consequent loss of revenue to the pilots if action is



1 delayed too much.

2 THE CHAIRMAN: It is not a loss, but they do
3 not get the gain they are looking for because they have
4 agreed. The last amendment was in 1961 -- excuse me,
5 13th December, 1962. That was the last amendment to
6 the by-law.

7 THE WITNESS: I am assured, my lord, that
8 those items which we understood were agreed upon
9 between the shipping people and the pilots in this
10 last instance, as far as we are aware they are being
11 put into effect, but we are open to correction on this.
12 Vancouver is a long way away.

13 COMMISSIONER SMITH: My lord, I have found
14 the quote of Mr. Middleton. In case I did him any
15 injustice I think I should read it. This will be
16 found on page 821 of the transcript. This is what
17 he says:

18 "Many problems could be
19 solved, both local and national,
20 if a pilotage commission or
21 board, comparable to the National
22 Harbours Board, where the
23 commission is appointed for
24 extended terms, were set up."

25 He thinks the present system is clumsy and
26 difficult and he is not too happy when the Department
27 of Transport tells pilots to negotiate with shipping
28 and if they agree we will put it in the by-laws.

29 --

--

30

--



1 THE WITNESS: Well, Mr. Smith, it was not
2 our impression that the shipping people did not want
3 this. We thought we were doing this with their
4 approval.

5 THE CHAIRMAN: He went further. He said they
6 didn't like the idea of the authority suggesting they
7 should negotiate and if they can get an agreement
8 the authority will put it in the by-law. If they
9 don't come to an agreement, nothing is very likely to
10 be done. That is what he said.

11 MR. LANGLOIS: Now, coming back to this
12 cooperation between the pilots and the Chamber of
13 Shipping in Vancouver, is it not a fact that recently
14 during the fall meeting between the B.C. pilots and
15 the Vancouver Chamber of Shipping a happy solution
16 was found for the Puget Sound problem.

17 THE CHAIRMAN: We will come to that later.
18 This is a question that is coming up.

19 MR. LANGLOIS: This is a different question.

20 THE CHAIRMAN: Yes.

21 MR. JACQUES, Q: Now, sir, a movement to
22 restrict earnings was mentioned in the Pilots brief,
23 which is Exhibit 80 and was mentioned on page 1. Would
24 you explain what you consider this movement to be
25 and the attitude of the Department in that respect;
26 and this may be answered jointly with question No. 12
27 which refers to a reduction in earnings of 3.8 per
28 cent and which is mentioned in volume 6 at page 708.

29 A. This may take a little time, my lord.
30 This covers a lot of ground. I think we may start in



1 1957 when a memorandum dated March 12, 1957, which I
2 believe is in evidence ---

3 Q. Yes, Exhibit 103.

4 A. It was addressed to me and it was handed
5 to the Assistant Deputy Minister at the time at a
6 meeting and it started --- this was by the B.C. Pilots
7 Committee and it started this way.

8 "The B.C. Pilots Committee

9 understand that a complete revision
10 of our Pilotage Rates is under way
11 at the present time and we also
12 understand that the Department
13 is trying to simplify the rate
14 structure by having a rate into
15 each port and also out of each
16 port plus a mileage charge
17 between ports. If this is
18 properly calculated to give
19 the pilots a fair remuneration,
20 about \$12,000.00 per year without
21 excessive hours of work and
22 proper leave time, then the
23 pilots will be quite satisfied."

24 This memorandum goes on to recommend certain
25 changes in the by-laws. These were recommended changes
26 in the existing by-laws but we were at the time --
27 the Department was at the time trying to reach a
28 different kind of tariff structure. The structure
29 had existed before that date was most cumbersome. It
30 was very complicated. It had been built up gradually



1 over the years by adding an item here and an item there
2 and it was very difficult to interpret.

3 We have the assistance of an official of
4 the economics branch of the Department who worked out
5 a tentative system and as a result I signed a letter
6 to Captain Eddy on July 25th, 1958.

7 Q. Would you read that letter, please?

8 A. Yes, as far as I think you will be
9 interested. I will put it in evidence anyway. It
10 starts out:

11 "Dr. Jaworski has done
12 some more work on the simplified
13 rates for pilots in the British
14 Columbia district and arrives
15 at the conclusion that \$1.00
16 per foot draft 1- $\frac{1}{2}$ ¢ per ton gross
17 and 80-8 cents per mile piloted
18 would be an appropriate rate,
19 it being understood that when
20 two pilots are employed the
21 total dues for pilotage shall
22 be increased by 50 per cent.
23 We will refer to this as
24 alternative 1.

25 Another alternative is
26 \$2.00 per foot draft, 1- $\frac{1}{2}$ cent
27 per ton gross, and 40-8 cents
28 per mile pilotage with again
29 the 50 per cent increase over
30 the total when two pilots are



1 employed. We will refer to this
2 as alternative 2."

3 Now then it was laid out, my lord -- I don't
4 think I need read the detail figures on this.

5 MR. JACQUES: No, the letter will be filed
6 as Exhibit 1156.

7 THE WITNESS: May I suggest there are four
8 letters here with may be filed in a bundle.

9 MR. JACQUES: Yes. Exhibit 1156, correspondence
10 relating to simplified rate structure in the B.C.
11 district.

12 THE WITNESS: That is correct.

13 ---EXHIBIT NO. 1156: Correspondence relating to
14 simplified rate structure in
15 the B.C. district.

16 THE WITNESS: Shall I enumerate them?

17 MR. JACQUES: Yes.

18 THE WITNESS: A memorandum to Captain F.S.
19 Slocombe, March 12th, 1957 from the B.C. pilots.
20 A letter to Captain Eddy from Captain Slocombe on
21 July 25th, 1958. A letter to Captain Eddy from
22 the Vancouver Chamber of Shipping on August 27th, 1958
23 and a letter to Captain Eddy from the Chairman of the
24 B.C. Pilots Committee on the 28th of August, 1958.

25 To return now to my letter to Captain Eddy
26 with the figures. It would not hurt for me to read
27 otherwise than the figures.

28 "Reading over the notes made
29 by Captain Graves and Captain
30 Leask on our meetings in Vancouver,



1 it seems to us that the Chamber
2 were rather strongly in favour
3 of alternative 1 and since the
4 total difference in dues over
5 the three month period shows
6 a figure increase under this
7 method than on the other, I
8 would think that the pilots
9 will be ready to accept
10 alternative 1. It might be
11 pointed out in this regard
12 that a trip from Brot Chie Ledge
13 to Sandheads, for which there
14 would only be a mileage charge,
15 would bring in more under this
16 method than under the other
17 alternative.

18 I enclose a draft of a
19 schedule which would take the
20 place of the present section
21 5 of the by-laws using alternative
22 1. You will note that in the
23 case of the moveages I have
24 left blank the space for the
25 uniform rate. I would ask
26 you to make the calculation on
27 this taking all the moveages over
28 a considerable time and finding
29 an average rate which would be
30 acceptable to the pilots and



1 the Chamber of Shipping.

2 When you have obtained
3 agreement on all points in the
4 proposed by-law, please return
5 it here and we will immediately
6 incorporate it into a
7 consolidation of the by-laws
8 for recommendation to Council."

9 On August 27th, 1958 -- you will appreciate,
10 my lord, this was putting forward something for
11 consideration.

12 THE CHAIRMAN: That is right.

13 THE WITNESS: Something to work on. There
14 was other correspondence or discussions, I am sure
15 going on after this particular letter but the conclusion
16 reached is shown by the next two letters, August 27th,
17 1958 to Captain Eddy from the Vancouver Chamber of
18 Shipping.

19 "Dear Sir:

20 We refer to your letter of
21 August 18th, advising us of the
22 result of the calculations and
23 the rate formulated, i.e., \$1.00
24 per foot draft, half cent per
25 gross registered ton, 88 cents
26 per mile piloted.

27 Our Committee have considered
28 these figures, and whilst the
29 mileage rate is higher than
30 originally suggested, in the



1 interests of harmony we accept
2 them. However, this acceptance
3 is based on the assumption that
4 the total revenue, and earnings
5 of the pilots, will not total
6 more than half currently being
7 received.

8 Kindly extend our thanks
9 to the Director for his prompt
10 cooperation in this matter."

11 MR. JACQUES, Q: Why was this changed? I
12 believe it was net registered tons prior?

13 A. This was part of the overall reconstruction
14 of the rates.

15 Q. Why was the choice made for gross tons
16 instead of net?

17 A. For the reason that has been brought
18 out before the Commission on several occasions, that
19 net tonnage is open to fluctuations which are not
20 directly related to the size of the ship.

21 THE CHAIRMAN: Open shelter deck procedure.

22 THE WITNESS: That is another question, my
23 lord. Gross tonnage -- net tonnage is open to
24 many fluctuations that gross tonnage is not subject
25 to.

26 COMMISSIONER SMITH: But the gross tonnage
27 is subject to that fluctuation with a shelter decker.

28 THE WITNESS: Yes, my lord. May we not
29 get into that right now. I propose to explain this
30 quite fully.



1 COMMISSIONER SMITH: Yes, but just to keep
2 the record straight, I mean there is not only
3 fluctuation in net. There is fluctuation in gross.

4 THE WITNESS: This is with regard to the
5 shelter decker.

6 COMMISSIONER SMITH: Yes.

7 THE WITNESS: Yes, Mr. Smith. This will be
8 fully laid out later.

9 COMMISSIONER SMITH: And that point was
10 raised quite vigorously in Vancouver.

11 THE WITNESS: Yes, Mr. Smith but not before
12 this reconstruction of rates.

13 COMMISSIONER SMITH: No. I am talking about
14 last year.

15 THE WITNESS: We are now referring to the
16 reconstruction of rates that took place in 1958.

17 COMMISSIONER SMITH: I am talking about
18 fluctuations.

19 THE CHAIRMAN: So we will leave that question
20 for the moment.

21 THE WITNESS: The next letter is from the
22 Pilots Committee to Captain Eddy dated the 28th of
23 August, 1958, the following day, and I will read this
24 letter, if you don't mind.

25 "With reference to your
26 letter of the 18th instant, we
27 held a general meeting on
28 Monday, August 25th, to discuss
29 the tariffs suggested by Mr.
30 Cumyn, Director of Marine



1 Regulations in his letter to
2 you. The pilots feel they
3 are willing to accept the
4 \$1.00 per foot draft, half
5 a cent gross registered ton,
6 and 88-8 cents per mile
7 piloted as suggested by the
8 Director.

9 As you will recall we
10 dropped our suggestion on
11 the length rather than the
12 gross tonnages basis. We also
13 have accepted the \$1.00 per
14 foot draft instead of the
15 \$2.00 per foot draft, and
16 in consideration of this
17 there is one change we would
18 like made. This is pertaining
19 to quarantine, which we have
20 been advised that the station
21 is being moved from Williams Head
22 to Brotonne Ledge. This will
23 create a difficult situation
24 when the weather becomes
25 rough at this particular place,
26 and it is very likely that
27 quite often the quarantine
28 officers will be unable to
29 board. This naturally will
30 mean that the ship would have



1 to proceed without quarantine,
2 the argument would then arise
3 whether or not the pilot would
4 have earned his quarantine fee
5 or not. To prevent any of
6 these occurrences arising we
7 would suggest that quarantine
8 be wiped out as one of our
9 charges and that moneys now
10 earned be added to the mileage
11 basis. By checking our
12 records we find that about
13 4½ cents per mile would add
14 up to the same equivalent.

15 We understand from your
16 letter that Sandheads will be
17 treated as a port, but in the
18 case of a ship travelling
19 between Sandheads bound for
20 the Fraser River, or vice versa

21 ---"

22 My lord, there is something wrong that I will have to
23 ask the pilots to explain. This is maybe a misprint.
24 This doesn't make sense. Captain McLeese can
25 you explain this point.

26 CAPTAIN MCLEESE: Would you read that again?

27 THE WITNESS: "We understand
28 from your letter that Sandheads
29 will be treated as a port,
30 but in the case of a ship



1 travelling between Sandheads
2 bound for the Fraser River, or
3 vica versa, only one-half of
4 the out and one-half of the
5 in rate will be charged."

6 CAPTAIN McLEESE: There is some mistake.

7 THE WITNESS: I suggest this is a misprint.
8 It should be "between Brotdhée Ledge and Sandheads.

9 CAPTAIN McLEESE: Yes, inbound ships from
10 Brotdhée Ledge only get an in. It doesn't get an
11 out. It doesn't get an out and in. It would get an
12 out from Vancouver.

13 THE WITNESS: I think this should read
14 "in the case of a ship travelling between Brotdhée Ledge
15 and the Fraser River bound for the Fraser River or
16 visa versa, only one-half of the out and one-half of
17 the in rate will be charged.

18 "With reference to the
19 pension by-law which was to
20 have been sent for our perusal
21 we would appreciate you asking
22 Captain Jones if it could
23 possibly be expedited immediately,
24 as Captain Pearson retires on
25 the 26th September, and we would
26 very much like to have this order
27 put through before that date.
28 We would certainly appreciate
29 what you can do in this connection.

30 We would also take this



1 opportunity to thank Mr. Cumyn,
2 Captain Slocombe and Captain
3 Jones for coming to Vancouver
4 at which time we were able to
5 discuss our problems."

6 MR. JACQUES, Q: Now, I noted that you
7 discussed length as a basis for pilotage rates.

8 A. We discussed a number of possible
9 changes in this overall change in rates.

10 Q. Why was length not accepted?

11 A. At the moment I can't remember, my lord,
12 just what the reason was but this was the final
13 thing which was a meeting of minds. There was
14 considerable discussion on this.

15 THE CHAIRMAN: Would you tell me whether
16 there was any special feature with regard to the
17 charges that had to be made for British Columbia
18 that would not be accepted somewhere else. For example,
19 in the St. Lawrence River would the same principles
20 apply or the St. Lawrence harbour or was that a
21 special feature that had to be made for British
22 Columbia?

23 THE WITNESS: The need for the change?

24 THE CHAIRMAN: In the rate structure.

25 THE WITNESS: Well, the reason for the
26 request for the change was that the District of
27 British Columbia is a very complicated district, as
28 your lordship is well aware after the hearings out
29 there and as more ports were opened up out there and
30 the different pilotages were added on, and as they



1 were added on piece meal, the need arose and then the
2 result was something that was very difficult to
3 interpret and there were arguments between the shipping
4 people and the pilotage authority, that is Captain
5 Eddy, or the local supervisor as to the correct charges.

6 THE CHAIRMAN: My question is, when you
7 tried to arrive at a yardstick whether you tried to
8 find one that would be applicable across Canada
9 wherever there was pilotage and could be also applicable
10 in British Columbia or whether you found that this was
11 impossible.

12 THE WITNESS: No, sir. We didn't find that
13 it was impossible but we have no reason to think that
14 would not apply elsewhere except that the mileage --
15 for instance if it is in a place like Saint John or
16 Halifax or Sydney because the mileages are always the
17 same but in a place like B.C. where the pilotage
18 sometimes reaches 500 or 600 miles then the miles
19 of pilotage has a significant bearing on the rates.

20 THE CHAIRMAN: So this was a special
21 feature for B.C.

22 THE WITNESS: Yes, I would say it was there
23 and you are quite correct, my lord.

24 MR. JACQUES, Q: A sliding scale because
25 for other districts you would take into account mileage
26 since it is a fixed quantity you could take care of
27 that with a fixed rate?

28

29 --

--

30

--



1 A. Well, this, of course, is correct. I
2 mean, the distant pilotage is taken into account as
3 part of the conditions of work in any district.

4 Q. Now, you mentioned northern ---

5 COMMISSIONER SMITH: Excuse me, Captain. I
6 don't know if this is important or not, but on this
7 mileage basis would that be made in the British
8 Columbia district because of a new mileage system of
9 Washington Pilotage District, or the Oregon Pilotage
10 District? I mean, would it be taken up in any way
11 with that?

12 THE WITNESS: No, Mr. Smith.

13 COMMISSIONER SMITH: There is a point there
14 where they used to ^{cross} cut over?

15 THE WITNESS: It is quite conceivable that
16 the fact that there was a known place in the vicinity
17 where miles were used it might have brought on, or
18 brought this point to the fore.

19 MR. LANGLOIS: Were the changes made in the
20 tariff at that time to subsidize the northern ports
21 because the shipping companies were complaining that
22 the pilotage cost was too high for the northern ports
23 of the district?

24 THE WITNESS: Yes; I would say that it
25 was intended to subsidize; but the rate was to make
26 something that would be spread over the whole
27 district.

28 Do you wish me to file this?

29 THE CHAIRMAN: We will now adjourn for a
30 few minutes.



1 ---Recess.

2
3 MR. JACQUES, Q: Would you carry on with
4 your answer to the question on the movement to
5 restrict earnings?

6 A. Well, in July 1958, as described, a
7 new tariff scale was set up for the British Columbia
8 district, based on gross tonnage, draft and mileage,
9 and it was aimed at an income of approximately
10 \$12,500.00. This was in line with a target income
11 concept -- that we should try to come to an agreement
12 on a desirable level of income, and adjust the rates
13 accordingly.

14 This income was attained and increased
15 rapidly because of the increase in the average size
16 of vessels, which, of course, was reflected in the
17 gross tonnage and the greater volume of traffic; so
18 that in two years it has increased to approximately
19 \$18,000.00 per annum.

20 The Director of Marine Regulations met with
21 the pilots on July 6th, 1961, when the Department's
22 concept of a target income was explained and
23 arrangements were made for the pilots to meet with
24 the ship owners in an effort to arrive at an
25 agreement on the level to be established as a target
26 income. The pilots and the ship owners did meet
27 on a number of occasions, but they could not reach
28 agreement on this target income, and the pilots
29 requested an overall increase of some 16 per cent,
30 which would have increased their earnings to about



1 \$21,000.00 per annum.

2 On September 12th, 1961 a letter was written
3 to the pilots in districts where the federal government
4 was paying administration costs and operation costs,
5 in some cases, stating the Treasury Board had noted
6 the comparatively higher incomes being received by
7 pilots in many districts and had suggested that a portion
8 of the revenue of the pilots should be diverted towards
9 meeting administration and other pilotage costs now
10 being paid by public funds.

11 The Department considered a target income
12 should be set and separate funds assessed on the target
13 income would be diverted to pay pilotage expenses.

14 Q. Is this the correspondence which was
15 filed in Quebec and Montreal?

16 A. I would think it would be. I can't
17 remember. It is September 12th, 1961.

18 Q. We will check on that.

19 A. Strong objections to the contents of
20 the letter were received from all the pilot groups and
21 by that time the Department had come to the conclusion
22 that the appointment of a Royal Commission should be
23 recommended to the government to go into pilotage matters
24 because many more substantial changes were required
25 than had hitherto been considered.

26 If you wish, I have a copy of this letter of
27 September 12th.

28 Q. I think we may as well file it as Exhibit
29 1157.

30 A. This is a letter of September 12th, 1961,



1 addressed to Captain K. Bennet, Chairman of the British
2 Columbia Pilots Committee and signed by J.R. Baldwin,
3 Deputy Minister.

4 ---EXHIBIT NO. 1157: Letter dated September 12th,
5 1961, to Captain K. Bennett,
6 Chairman of British Columbia
7 Pilots Committee, signed by
8 J.R. Baldwin, Deputy Minister.

9 MR. LANGLOIS: And the incomes referred to in
10 this letter -- are they gross incomes, or net incomes?

11 THE WITNESS: Net in what respect, Mr.
12 Langlois?

13 MR. LANGLOIS: Take-home pay, if you want to
14 put it that way? --

15 THE CHAIRMAN: The target income was the take-
16 home pay.

17 THE WITNESS: That would include the pension
18 contributions.

19 THE CHAIRMAN: It is only a question of
20 considering the figure only. It is either this figure
21 or that.

22 THE WITNESS: This is rather complicated, my
23 lord. In the British Columbia district the expenses
24 are taken out before they receive their cheques.

25 THE CHAIRMAN: I know.

26 THE WITNESS: I am just not able to answer
27 that question at the moment.

28 MR. JACQUES, Q: You mentioned quarantined
29 charges.

30 A. Excuse me. Does the question you have
asked involve the 3.9 per cent?



1 Q. Yes.

2 A. May I carry on and finish with that?

3 Q. Yes, please do. The 3.9 per cent is
4 referred to in volume 6, page 708.

5 THE CHAIRMAN: 3.8 per cent.

6 MR. JACQUES: 3.8 per cent.

7 THE WITNESS: This, which I will file, is a
8 bundle of some correspondence on this point, my lord,
9 and it starts with a letter dated December 3rd, 1959
10 addressed to the Director of Marine Services -- I think
11 it should be the Director of Marine Regulations -- but
12 it is to Mr. Cumyn, by the Vancouver Chamber of
13 Shipping, and it is headed "Re Pilotage Tariff".

14 "The Vancouver Chamber of
15 Shipping have recently received and
16 fully examined the statement
17 showing the comparative receipts
18 and the distribution of pilotage
19 charges for the periods November,
20 1958 to April, 1959. We note from
21 these statements that the new rate
22 produced far in excess of what
23 the same work would have produced
24 in 1958. We further note that
25 the pilots averaged between
26 ten and eleven jobs for fifty-five
27 pilots..."

28 This is not very clear, my lord, but I don't think it
29 is relevant, so that I hope I won't be questioned on
30 it. It was a letter by Mr. Sankey.



1 "...In fact it was less
2 than the previous comparative
3 period. The individual
4 distribution to pilots for the
5 six months amounted to \$8,157.05
6 after pension deductions which
7 would normally mean a gross of
8 approximately \$18,000.00 per
9 annum, which is well in excess
10 of individual pilot earnings
11 prior to the new rate structure.
12 Such earnings could well have a
13 detrimental effect upon the
14 whole picture of pilot earnings
15 in Canada.

16 You will recall last year
17 when we were negotiating the
18 new scale of fees it was the
19 original thought that whatever
20 scale was set would maintain
21 the current earnings of the
22 pilots which were considered
23 adequate.

24 Figures produced and given
25 to the Chamber were discussed at
26 a general meeting on July 17th,
27 1958, and a motion passed,
28 'That the Chamber agree to the
29 establishment of uniform rates
30 on the basis of \$1.00 per foot



1 draught, $\frac{1}{2}$ ¢ per gross ton and
2 approximately 80¢ per mile
3 pilotage.'

4 These figures were based
5 upon original statistical
6 information furnished by your
7 office. We were very surprised
8 when the final tariff was
9 produced and the mileage rate
10 was established at 88¢ per mile.

11 At that time it was pointed
12 out by you that the Department
13 would constantly watch the result
14 and at the year end assess the
15 situation with a view to adjusting
16 the mileage rate up or down as
17 requisite to maintain the current
18 earnings.

19 In summation, the agreed
20 year of trial has passed, the
21 rates established have produced
22 a much greater revenue than agreed,
23 the Pilots have earned an excessive
24 remuneration, costs to ships have
25 been heavier than they need be,
26 therefore the Chamber recommends
27 that effective January 1st, 1960,
28 the mileage rate be adjusted to
29 the originally suggested figure
30 of 80¢ per mile.



1 Your early attention to
2 this matter will be appreciated...".
3 And it is signed by W.A. Sankey, Secretary, Vancouver
4 Chamber of Shipping.

5 MR. JACQUES, Q: As a result, what
6 happened -- the rate remained the same?

7 A. No; the denouement is in the following
8 page. I have to go through it, and if you want it in
9 evidence ---

10 Q. Yes.

11 A. On December 15th, 1959 a reply was
12 made to Mr. Sankey under Mr. Cumyn's signature, Director
13 of Marine Regulations, which I signed on his behalf:

14 "Dear Mr. Sankey;

15 We note from your letter
16 of December 3rd that the Vancouver
17 Chamber of Shipping have examined
18 the statement furnished by the
19 Superintendent of Pilots showing
20 the revenue of the British
21 Columbia Pilotage District for
22 the period November 1958, to
23 April 1959, and conclude that
24 a revision of the pilotage
25 tariff should receive consideration
26 at the present time.

27 The purpose of the tariff
28 revision, which was put into
29 effect in October 1958, was
30 solely to simplify the cumbersome



1 rate structure that was then
2 in existence. The advantages
3 of simplicity in this respect
4 were readily recognized by all
5 and the new rate structure that
6 was devised was intended to
7 produce the same amount of
8 aggregate revenue as would have
9 been forthcoming under the
10 superseded tariff.

11 As you stated in your
12 letter, at the time this new
13 rate was discussed with you the
14 Department undertook to keep a
15 continuing review of the results
16 of the new tariff in order to
17 ensure that the new rates that
18 were struck did in fact produce
19 the same aggregate revenue.
20 This work was carried out by
21 the Superintendent of Pilots
22 and his staff, the results of
23 which showed that the new rate
24 was in fact 3.89% higher than
25 would have been charged for the
26 same ships under the earlier
27 tariff. I think you will agree
28 that this was a reasonably accurate
29 result, having in mind the large
30 number of factors involved in



1 computing the new rate..."

2 I might interject here that these figures were arrived
3 at by making two calculations for every bill during
4 this period; so that the calculations were made under
5 the old rate and under the new rate, so that there was
6 an exact comparison available.

7 THE CHAIRMAN: And adjustments also made
8 with respect to the number of jobs, I suppose, because
9 this is affected by the increasing amount of work?

10 THE WITNESS: No; this was taken care of
11 in the method of doing it, that we were taking the
12 actual bill.

13 THE CHAIRMAN: Oh, I see.

14 THE WITNESS: We worked it out what it would
15 be if the old tariff had been in effect.

16 MR. JACQUES: You made two bills -- one on
17 the old tariff and one on the new tariff, and the
18 3.89 per cent is the difference between the two?

19 THE WITNESS: On the overall.

20 To continue:

21 "...To correct this
22 relatively small error it would
23 be necessary, according to our
24 calculations, to make a
25 reduction in the mileage charge
26 to 81.35 cents rather than 80
27 cents, as suggested in your
28 letter. If the Chamber of
29 Shipping are prepared to
30 recommend this reduction, we will



1 undertake to give the suggestion
2 immediate consideration.

3 It should, however, be
4 pointed out that such an adjustment
5 will not meet the criticism
6 contained in the second paragraph
7 of your letter regarding the
8 estimated gross earnings of
9 \$18,000.00 of a British Columbia
10 pilot for the current year....".

11 ~~2-2-60~~ This was replied to by the Vancouver Chamber
12 of Shipping on December 29th, 1959, to Mr. Cumyn, and
13 it goes on:

14 "Dear Mr. Cumyn:

15 Your letter of December
16 15th, 1959, replying to ours of
17 December 3rd, has been studied
18 by the Chamber.

19 Until recently we were
20 unaware of the Pilots actual
21 income but I may say that we
22 are now very cognizant of their
23 earnings which, in our estimation,
24 are far beyond what is a proper
25 remuneration for the duties
26 entailed by the position. We
27 believe it could, and in fact
28 has had an effect upon the
29 thinking of other pilot bodies
30 in Canada, such as New Westminster.



1 After due consideration
2 we are agreeable to the immediate
3 reduction in the mileage rate
4 as shown, but suggest for easy
5 compilation it be made a round
6 figure of 81¢ which is the nearest
7 cent. At the same time and
8 in conjunction with this
9 recommendation we suggest that
10 the Department should examine
11 the structure of earnings with
12 a view to establishing some
13 justified remuneration for
14 pilots in this district, which
15 the current figure is far
16 beyond.

17 We suggest the Department
18 might examine this situation
19 with a view to establishing
20 such basis by the end of the
21 present government year, March
22 31st, 1960.

23 It seems ridiculous that
24 Pilot's earnings are far beyond
25 that of management and one must
26 attain the heavy responsibility
27 of ministerial level in the
28 government before receiving such
29 earnings.

30 As a basis of comparison



1 the wages of top paid masters
2 on the B.C. are: towboat,
3 October, 1959, \$537.00 per
4 month; coast steamers, September,
5 1960, \$652.00 per month; tankers
6 depending on size, \$650.00 to
7 \$735.00 per month in addition
8 they receive room and board valued
9 at say \$90.00 per month.

10 We concede that as pilots
11 are generally recruited from these
12 services their wages must be
13 higher to be attractive but
14 certainly they should not be
15 double that of the highest paid.

16 We believe the Department
17 should take a firm stand on these
18 matters, establish fair and just
19 rates and earnings, and advise
20 all parties involved that this
21 is what they are going to be.

22 Your support of these
23 recommendations is earnestly
24 solicited...."

25 There are two telegrams that are not
26 relevant. One is addressed to the Superintendent of
27 Pilots by Captain Eddy -- "Reservations confirmed....
28 Chamber of Shipping advised re probable meeting
29 January 11th..."



1 "Can pilots' committee be
2 advised of impending visit
3 because they are aware from
4 waterfront gossip that rate
5 question is being brought up
6 by Chamber. Fear keeping
7 official advice from them
8 will create feeling of
9 discrimination."

10 The reply to Captain Eddy from Captain Jones:

11 "Re your tel, please inform
12 pilots that shipping interests
13 have requested tariff adjustments
14 but that nothing will be done
15 in the matter without giving
16 the pilots a full opportunity
17 to discuss it with departmental
18 officials. When proposed visit
19 has been officially approved
20 it will be in order to inform
21 all concerned."

22 Then there is a letter from Mr. Sankey to
23 Mr. Cumyn dated February 2nd, 1960 just urging that
24 early attention be given to this matter. It starts
25 off:

26 "At our last meeting,
27 January 11th, 1960, Captain
28 T.S. Clark handed to you a note
29 which indicated the Chamber's
30 desire for an immediate reduction



1 in the present pilotage tariff.

2 This information was given to
3 the pilots' committee and it
4 was our impression that an
5 early reply would be given to
6 you by them. We would
7 appreciate knowing if a reply
8 has been received and, if not,
9 what action is contemplated by
10 the Department. We feel early
11 action should be taken inasmuch
12 as the condition we complained
13 about in December, 1959 remains
14 unchanged. Your reply would
15 be appreciated."

16 This was replied to on February 4th to say
17 that we had not yet received a communication from the
18 pilots on the matter which we were following up.

19 Then there is a letter from Captain Eddy
20 to the supervisor of pilotage -- to Captain Jones, on
21 April 8th, a short letter saying:

22 "Replying to your letter of
23 April 4th we have checked the
24 calculations involved and find
25 the adjustment of the mileage
26 rate to 81.35 cents to be
27 correct. However, it is
28 respectfully submitted that in
29 the interest of simplified
30 calculation the amendment be



1 made 82 cents, the difference being
2 infinitesimal".

3 There there is a letter from the Deputy
4 Minister to Captain S.G. Hunter -- at that time
5 Chairman of the B.C. Pilots' Committee. This followed,
6 as it will indicate, further negotiations and a
7 breakdown in those negotiations. The letter is:

8 "Dear Captain Hunter,

9 I have before me a report
10 concerning the breakdown of
11 negotiations with the Vancouver
12 Chamber of Shipping owing to
13 your insistence on having a
14 Guild representative present
15 at meetings and the refusal of
16 the Chamber of Shipping to agree.

17 I am very disappointed that
18 you allowed this point to block
19 negotiations and under the
20 circumstances I feel that we
21 must go ahead with the 3.9
22 per cent downward adjustment of
23 tariff which was previously
24 discussed with you.

25 You will recall that when
26 the tariff basis was changed in
27 1958 care was taken in the
28 computation to ensure that the
29 resulting revenue would not be
30 less than had resulted from the



1 old tariff. We could not be
2 sure of the exact result, but
3 we wished to protect the
4 interests of the pilots,
5 appreciating that if the results
6 had turned out to be less than
7 expected the deficiency would
8 have been left to the pilots.

9 There was an understanding
10 on both sides than an adjustment
11 would be made upwards or down-
12 wards if experience showed our
13 calculations to have been in
14 error. As it turned out the
15 change of basic in itself
16 resulted in an increase of
17 3.9 per cent. There was at
18 the time a definitely understood
19 commitment to make an adjustment
20 accordingly and in view of the
21 fact that the pilots have
22 reaped the benefits up to this
23 point and particularly in view
24 of the very high level of
25 earnings, they are enjoying at
26 present, it is obviously proper
27 that we should make this
28 adjustment.

29 While I am disappointed
30 that you allowed the matter of



1 Guild representation to block
2 negotiations in this case, I
3 may say the Chamber of Shipping
4 representatives are being
5 informed that the Department
6 cannot support their refusal to
7 accept the presence of a Guild
8 representative at meetings and
9 that we believe that right of
10 a party to have a proper
11 authorized advisor present
12 should be recognized.

13 I trust that if the Chamber
14 of Shipping can be persuaded to
15 concede this point on the
16 understanding that any discussions
17 remain with the allocated
18 committee, the Guild representative
19 being present only as an advisor,
20 you will meet them half-way and
21 if at all possible to proceed
22 on an amicable relationship."

23 Q. That was the Minister's letter?

24 A. The Deputy Minister's letter.

25 Q. The Deputy Minister's?

26 A. To the Chairman of the B.C. Pilots'

27 Committee.

28 That is the bundle of letters -- correspondence.

29 MR. JACQUES: We will file that as

30 Exhibit 1158 with respect to the 3.8 reduction in



1 earnings of the B.C. Pilots in 1959.

2 THE WITNESS: I should perhaps correct that
3 -- in tariff.

4 MR. JACQUES, Q: In tariff?

5 A. It was not necessarily in earnings.

6 Q. That is right, but were the tariffs
7 in fact lowered to 81 cents or 82 cents?

8 A. Yes.

9 Q. It must have been because in the Order-
10 in-Council P.C. 1960-841, which is the by-law for
11 1960, the rate was 82 cents per mile of distance
12 piloted.

13 A. This is correct. I know it was put
14 into effect, but I have not the date before me.

15 Q. And what was the pilots' reaction to
16 that?

17 A. I think I can safely say they did not
18 like it. I do not know that I can say any more.

19 ---EXHIBIT NO. 1158: Bundle of correspondence with
20 respect to the 3.8 reduction
21 in tariff of the B.C. Pilots in
22 1959.

23 Q. With respect to target income when
24 your Department endeavoured to discuss target income
25 with the pilots did the pilots accept to discuss
26 target income or was it thrown out without any hope
27 of discussing it?

28 A. Well, shall we say the concept has
29 not been met with with favour by the pilots. There
30 was no agreement.

Q. But has there been agreement even to



1 discuss the concept?

2 A. Not a formal agreement to discuss it.
3 Every time it has been mentioned it has been met with
4 a rather unwillingness.

5 Q. May we come back to quarantine charges
6 which you mentioned a while ago?

7 A. Yes.

8 THE CHAIRMAN: Before we go into that, do you
9 have any question to ask, any further question?

10 Yes, Mr. Langlois?

11 MR. LANGLOIS: My lord, mention was just made
12 by the witness that the pilots did not like it. There
13 must have been an exchange of correspondence discussing
14 this that should have been filed. We will know then
15 why they did not like it.

16 THE CHAIRMAN: I think from what I gather
17 from Captain Cobham's testimony that they were not
18 against the idea but they were against the conditions
19 when they came down to putting them in writing. He
20 said, "Well, that is all right provided that we have
21 a fair remuneration and that we have also fair
22 conditions of work; this we might discuss; but we
23 have to know them beforehand." So I think that is
24 where the negotiations broke down.

25 MR. JACQUES: Subsequent to your lowering
26 the mileage charge to 82 cents did you receive any
27 written objection or protest from the pilots?

28 THE WITNESS: We will have to check on this,
29 my lord.

30 THE CHAIRMAN: Right.



1 THE WITNESS: If there is may we get it
2 copied and put it in?

3 THE CHAIRMAN: Yes, please.

4 THE WITNESS: I may say it is quite possible
5 that there will not be a formal written objection to
6 it. There may be. I do not remember. But there
7 has been so much discussion back and forth that whether
8 we can find a definite letter making a protest against
9 this, I do not know. We will try.

10 THE CHAIRMAN: So this was the first attempt
11 at a target income?

12 THE WITNESS: Yes, my lord.

13 THE CHAIRMAN: Was it followed up after that?

14 THE WITNESS: Well, can I just say that we
15 have not got anywhere.

16 THE CHAIRMAN: Because it was a first attempt
17 where an income was reduced in accordance with the
18 principle of the target income, as far as 1961, I
19 think, when that change was made -- the reduction of
20 3.8 per cent. But was there further on a further
21 readjustment made -- either an increase or a decrease
22 even considered?

23 THE WITNESS: Well, in meetings with the
24 pilots' committees of the various districts whenever
25 the Director of Marine Regulations has met with them
26 this concept has been attempted to be followed up,
27 but I do not think I can say that there has ever
28 been any agreement on the level of the target income.

29 THE CHAIRMAN: But I see in British Columbia
30 we have a definite attempt and it was put into effect



1 on two occasions, the first one when you reviewed the
2 tariff and a target income was set there and then the
3 year after the authorities saw that the target had been
4 passed, was over-passed, so therefore you came back
5 by reduction. Was this trend of idea followed up
6 later on?

7 THE WITNESS: I am afraid that is not quite
8 in accordance with the facts, my lord. This revised
9 tariff was not essentially tied in with a target income.

10 THE CHAIRMAN: I see.

11 THE WITNESS: It was tied in, it was devolved,
12 it was developed in order to give the same amount of
13 money as the old tariff gave.

14 THE CHAIRMAN: For the same amount of work?

15 THE WITNESS: For exactly the same work.

16 THE CHAIRMAN: I see.

17 THE WITNESS: And this is why we had to
18 take averages and work out what these three factors
19 would have to be in order to produce the same amount
20 of revenue for exactly the same work. This 3.8 per
21 cent, my lord, was not bringing it back to a target
22 income. It was bringing it back to what the old
23 tariff would have produced in that year of study.

24 THE CHAIRMAN: This clarifies that. The
25 target income would not take into consideration the
26 same work. The work may be different, but the
27 income would be the same?

28 THE WITNESS: That is right. This is what
29 makes the target income concept a very difficult one,
30 my lord. If the payment is on a fee basis it seems



1 to me that you cannot have this target income concept
2 without having a definite set salary.

3 COMMISSIONER SMITH: It would mean a sort of
4 a guaranteed annual income?

5 THE WITNESS: Yes, Mr. Smith, but this is
6 not what this concept is. It is just reaching an
7 agreement on an approximate level of earnings and
8 trying to adjust the tariff to bring that approximate
9 level of earnings. Well then, of course, if you have
10 a change in pattern of traffic, then an immediate
11 confusion arises.

12 MR. LANGLOIS: This was more for a ceiling
13 than a target income then?

14 THE CHAIRMAN: No.

15 MR. LANGLOIS: This was a ceiling on the
16 income?

17 THE WITNESS: It might be considered to be a
18 ceiling, but however it was not intended to be a
19 complete ceiling. And it would act both ways. If
20 the revenue should fall below -- or at least the
21 individual remuneration should fall below this target
22 income, then it was conceived that there would be
23 an upward adjustment of the tariff, or a downward
24 adjustment if the reverse was the case.

25 THE CHAIRMAN: In order to make the answer
26 right, the income would have been below for the same
27 amount of work, because the basis there was the amount
28 of work, because two bills were calculated. So it
29 would have been the same readjustment if there had
30 been only one hundred jobs or one thousand jobs. It



1 would be the same readjustment down to reduce the rate
2 by 3.8 per cent even if they had done one hundred jobs
3 or one thousand jobs -- this was irrelevant. It was
4 not the take-home pay. It was for the work done.
5 They wanted to bring it to the same tariff as before?

6 THE WITNESS: That was this readjustment of
7 these rates, yes, sir.

8 THE CHAIRMAN: I understand now.

9 THE WITNESS: But the target income is not
10 that?

11 THE CHAIRMAN: No, the target income is
12 not that.

13 THE WITNESS: The target income envisaged
14 there would be good conditions of work so that if the
15 tariffic increased then there would be a reason for
16 increasing the staff so that they would not be over-
17 worked for the target income.

18 MR. JACQUES: Mr. Langlois' question
19 referred to the 1250 figure which was mentioned and
20 not to the streamlining of the tariff structure.

21 MR. LANGLOIS: We are talking about two
22 different things there.

23 THE WITNESS: Yes, this is it, of course.
24 The \$12,500.00 mentioned and agreed to by the pilots
25 at that time was far exceeded. Of course, everything
26 has gone up since that time anyhow so it would not
27 apply right now.

28 MR. JACQUES, Q: Now if we may turn to the
29 quarantine charges that were mentioned a while ago --
30 and this is also in question 19 ---



1 A. Yes, I have the facts here on that.
2 Prior to March 5th, 1959 the quarantine station was
3 at Williams Head, some five miles from the Fairway
4 buoy of Brothie Ledge. When a pilot boarded a
5 ship that had to go to the quarantine station to
6 gain pratique, it was necessary to steam into the
7 quarantine station behind Williams Head and this
8 delayed the ship and the pilot approximately one and
9 a half to two hours. For this service and delay
10 he received a quarantine charge which was provided
11 in the by-laws.

12 Q. Do you recall the amount of that
13 charge?

14 I am instructed that it was \$30.25.

15 ~~ALSO~~ It has changed with the various --
16 I do not think it is relevant, my lord, because it
17 changed with the amendments to the tariff anyhow.

18 THE CHAIRMAN: That is all right.

19 THE WITNESS: The regional superintendent
20 of pilots was instructed that when the Williams Head
21 station was discontinued the charge was to cease.
22 The station was discontinued by Order-in-Council P.C.
23 1959- ---

24 I will put this in evidence, my lord; I am
25 not sure what it means myself, I am afraid. The
26 station was discontinued by Order-in-Council P.C.
27 1959-263 dated March 5th, 1959.

28 THE CHAIRMAN: So would you check on that?

29 THE WITNESS: Yes, my lord. In excuse
30 I may say that I was just working on this last night.



1 THE CHAIRMAN: That is all right.

2 THE WITNESS: But notwithstanding the
3 Department's directives dealing with quarantine
4 charges they were continued and while the Vancouver
5 Chamber of Shipping were aware of the situation they
6 did not object to the payment of this charge.

7 While the evidence given by Captain Eddy
8 justified the continuance of this charge on the grounds
9 that at the time of the change of rate structure it
10 was agreed the pilots would enjoy the same take-home
11 pay, this agreement could not be extended to
12 continuance of charges for work which changed
13 circumstances had brought to an end. In other words
14 the tariff structure was changed so that for the
15 same work the same rate of earnings would be
16 enjoyed.

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1 This omission of the quarantine charge from
2 the by-laws in 1958 was done deliberately for the
3 above reason. However, in view of the pilots'
4 insistance that they still continue to perform the
5 work when ships are required to stop off the pilot
6 station for quarantine service and the ship owners'
7 willingness to pay this charge, the Department has
8 agreed to include a somewhat reduced charge in the
9 consolidation of the by-law which is now under
10 revision.

11 MR. JACQUES: Q. At the moment I am
12 instructed that the charges for quarantine services are
13 made under section 4 of the tariff which reads as
14 follows, as amended:

15 "The following dues are
16 established for the moveage
17 of a vessel in any harbour not
18 otherwise specified or in any
19 inlet other than in a harbour."

20 The charge is \$36.30 and the only difficulty would
21 be in the definition of a moveage, which is contained
22 in section 2 of the by-laws which reads as follows:

23 "Moveage means the moving
24 of a vessel within a harbour from
25 one anchored or moved position to
26 another."

27 And you have also mentioned the revision of the by-law.
28 I think this touches upon a later question, does it
29 not?

30 A. Question 21, Mr. Jacques, "new



1 addition of by-laws".

2 MR. JACQUES: Yes.

3 THE CHAIRMAN: Would you wait a second before
4 you pass to another question. Have you any questions,
5 Mr. Smith, on this subject?

6 COMMISSIONER SMITH: No.

7 THE CHAIRMAN: That is all right. You may
8 pass on.

9 MR. JACQUES, Q: You mentioned a revision
10 of the by-law. In the revision of the by-law or new
11 new addition of the by-law, you will include a
12 quarantine charge?

13 A. Yes, it is in the by-law.

14 MR. LANGLOIS: Has this been agreed to by
15 the pilots and the shipping?

16 THE WITNESS: The pilots are still arguing
17 about the price, about the amount of the charge for
18 it. I think we should make it quite clear the service
19 which the pilots give in both instances is merely
20 going aboard the ship and just watching her to see that
21 she doesn't drift ashore while the doctor is on
22 board.

23 Now, it is a service and the ship owners are
24 apparently willing to pay something for it so we have
25 no objection to putting it in.

26 THE CHAIRMAN: It is not provided for because
27 it is actually pilotage because they are keeping the
28 ship there and there is no mileage.

29 THE WITNESS: This is correct. There has to
30 be a special charge for it, if anything.



1 THE CHAIRMAN: It is not detention because
2 the pilot is doing something?

3 THE WITNESS: That is correct, yes, sir.

4 MR. LANGLOIS: Is not the ship underway
5 during that time?

6 THE WITNESS: Underway, meaning being not
7 made fast to the shore or ground.

8 MR. LANGLOIS: Yes.

9 THE WITNESS: Yes, she is underway and she
10 has to be watched.

11 MR. LANGLOIS: She has to be watched.

12 THE WITNESS: And the pilot is performing
13 this service.

14 MR. JACQUES, Q: At times if it is fine,
15 he may not do very much but if it is rough he may have
16 to do considerable manoeuvring.

17 A. He has to watch nevertheless.

18 MR. LANGLOIS: He has also to contend with
19 the traffic.

20 THE WITNESS: Well, if he is just lying
21 without movement, anything else would keep clear of
22 him.

23 COMMISSIONER RENWICK: It is my impression,
24 Mr. Langlois, that at Brothie Ledge a ship is standing
25 while the pilot and doctor go aboard. If I am wrong,
26 correct me.

27 MR. JACQUES: I am advised there are very
28 strong currents in that vicinity, sir.

29 THE CHAIRMAN: The ship is not at anchor.

30 MR. LANGLOIS: If the ship is not at anchor,

The first part of the paper discusses the importance of maintaining accurate records of all transactions. It is essential for the business to have a clear and concise record of all income and expenses. This will allow the business to track its financial performance over time and identify areas for improvement. The second part of the paper discusses the importance of maintaining accurate records of all assets and liabilities. This will allow the business to track its net worth over time and identify areas for improvement. The third part of the paper discusses the importance of maintaining accurate records of all debts and obligations. This will allow the business to track its financial obligations over time and identify areas for improvement. The fourth part of the paper discusses the importance of maintaining accurate records of all taxes and other legal obligations. This will allow the business to track its financial obligations over time and identify areas for improvement. The fifth part of the paper discusses the importance of maintaining accurate records of all other financial information. This will allow the business to track its financial performance over time and identify areas for improvement.



1 she has to go by the rules of the road to prevent a
2 collision at sea.

3 THE CHAIRMAN: I think the proper view is
4 just what I mentioned. If the ship is in the charge
5 of the pilot. There is nothing in the by-law to
6 provide for payment of this work.

7 THE WITNESS: This is correct, sir. You
8 could get into a good argument here on the rules of
9 the road, which I do not think are relevant, my lord.

10 THE CHAIRMAN: No. You might uncover
11 anything. That is why the pilot is better, to foresee
12 that.

13 THE WITNESS: Yes, my lord.

14 MR. JACQUES, Q: With respect to the new
15 addition of the by-law, what prompted the new additions
16 of the by-law in B.C.?

17 A. Merely the large number of amendments
18 that have been made. We tryd to consolidate at least
19 every five years. The number of amendments that have
20 been made in the last four years are sufficient for us
21 to try to get a consolidation.

22 THE CHAIRMAN: To legalize illegal collections
23 made.

24 THE WITNESS; Correct, my lord.

25 MR. JACQUES, Q: Now, sir, if we may turn to
26 question No. 3 which deals with tolerance in favour
27 of U.S. vessels using the inside passage for going
28 through the B.C. pilotage district and yet not paying
29 pilotage dues.

30 A. Yes, my lord. Well, I have not copies



1 of the relevant material dug out yet but I was involved
2 in this at the time.

3 MR. JACQUES: Shall we give a number to the
4 material which you propose to file now whilst we are
5 dealing with this matter.

6 THE CHAIRMAN: We will pass over the question
7 now. It is no use coming back if there are some
8 relevant matters to be brought out later.

9 THE WITNESS: I think I can dispose of it,
10 my lord, in a few words.

11 THE CHAIRMAN: That is all right, if you can.

12 THE WITNESS: Shall I say it this way: Before
13 there was compulsory payment of pilotage dues in the
14 British Columbia district ---

15 THE CHAIRMAN: That is in 1929?

16 THE WITNESS: No, my lord.

17 THE CHAIRMAN: 1947.

18 THE WITNESS: Yes, I am speaking about 1947.

19 Before that there was no question, no problem here
20 that ships could go through the district and they were
21 only charged pilotage dues if they employed a pilot.
22 Representations were made by the pilots at that time
23 and I recall our friend the late Captain Gosse was
24 very much involved in this, to the authority that there
25 were American pilots who were operating in the district
26 and going into Canadian ports in the district. The
27 pilots were quite sure of this. They knew the people
28 and recognized them and they were taking work away
29 from the British Columbia pilots so eventually agreement
30 was reached and approval was granted to make the



1 payment of pilotage dues compulsory as was the case
2 in other pilotage districts in Canada; but there was a
3 proviso and I have a note here. This was agreed to
4 by the shipping interests as well as by the pilots,
5 that if a ship passed through a district without
6 touching at a Canadian port, there would be no attempt
7 to charge her any pilotage if she didn't employ a
8 pilot.

9 MR. LANGLOIS: And that is contrary to law..
10 That is an illegal exemption.

11 THE WITNESS: That is an illegal exemption
12 except that shall we rationalize it by saying these
13 ships did not go near a pilot station and there was
14 no way of putting a pilot on board without expense
15 to the district.

16 MR. JACQUES, Q: Or forcing a ship to enter
17 a pilot station to take on a pilot.

18 A. Exactly.

19 THE CHAIRMAN: You do not have to rationalize
20 too much about that because there are many ways of
21 not getting near a pilot station in British Columbia.

22 THE WITNESS: We appreciate the weakness in
23 concept, my lord. Still it was either this or no
24 compulsory payment of pilotage dues.

25 MR. JACQUES, Q: Would you have anything else
26 to add on that?

27 A. I don't think so, my lord.

28 COMMISSIONER SMITH: Before we leave that,
29 Captain, on this question of uniformity, would you
30 have any comments to make on the evidence of Captain



1 Kelly who complained before this Commission that they
2 were not given the same treatment on the eastern coast
3 with regard to exemptions are there are in existence
4 on the west coast?

5 THE WITNESS: This is correct, Mr. Smith.
6 Compulsory payment of pilotage dues in the British
7 Columbia district is subject to the exemptions provided
8 in section 346 of the Act and these exemptions have
9 been modified by by-law under section 347 so the
10 exemptions as laid out in section 346 apply in the
11 British Columbia district which means that -- this is
12 the relevant section -- that a British, this is
13 Canadian or other British ship, trading between Alaska
14 and San Francisco, between those limits, is exempt.

15 On the east coast, except in Saint John --
16 this same condition holds in Saint John, but in Halifax
17 and Sydney a ship that is employed in intra-provincial
18 voyages or inter-provincial voyages -- I am sorry --
19 inter-provincial voyages only, that is between provinces,
20 down as far as New York must still pay a proportion
21 of the dues whether she employs a pilot or not.

22 MR. JACQUES, Q: Because the by-law is
23 provided exemptions by section 346?

24 A. Because the pilotage authority, under
25 the powers granted to him, by section 347, has
26 modified or withdrawn a proportion of his exemptions
27 by by-law.

28 COMMISSIONER SMITH: That is a good
29 explanation but it doesn't answer the question of the
30 lack of uniformity, which was his complaint, that they



1 were not treated the same on the east coast as they
2 were treated on the west coast.

3 THE WITNESS: I think the answer to that is
4 that these exemptions or modifications of the exemptions
5 are made by the pilotage authority in order to provide
6 sufficient revenue for the pilots in the place. The
7 need has not been evident in British Columbia to
8 withdraw any of the exemptions from the coasting trade,
9 which is a very very important trade on the west
10 coast, as we realize.

11 MR. JACQUES, Q: Should it not be rather
12 a question of security to withdraw an exemption?

13 A. We don't agree that security is involved
14 in this. The security of the ship is still in our
15 minds the masters' prerogative, the masters'
16 responsibility and this is laid out in the Canada
17 Shipping Act that no master, except on the Great Lakes,
18 can be forced to hand his ship into the hands of a
19 pilot.

20 Q. May I ask then if, say, in Halifax
21 there would be a boom in shipping with the result
22 that the income of pilots would increase to a
23 comparable level to that of B.C., would the existing
24 exemptions in Halifax become the same as on the
25 B.C. coast?

26 A. This would depend upon the
27 representations made by the coasting people involved.
28 We have had, as the Commission is aware, strong
29 representations from the small coasting companies
30 against this imposition, as they feel, of a charge



1 for pilotage which they did not want to use.

2 We can see the difference as between, Saint
3 John, for instance and Halifax and Sydney. There is
4 a difference there.

5 Q. In your mind or rather in the Department's
6 thoughts, it is not a question of security at all,
7 whether there is pilotage or not or whether exemptions
8 or not.

9 A. This is correct. We say that the
10 Canada Shipping Act does not accept the concept that
11 this is a matter of security, otherwise it would be
12 dealt with there. The fact of compulsory payment of
13 pilotage dues does not provide security because a
14 ship can go without a pilot, provided she pays the
15 dues.

16 THE CHAIRMAN: That is right.

17 MR. JACQUES, Q: So it is a service for the
18 convenience of the ship owner?

19 A. Exactly.

20 Q. Which you maintain?

21 A. Yes. I wouldn't say it is, my lord,
22 the official departmental attitude on this. It is
23 my attitude.

24 MR. LANGLOIS: Are you not restricting your
25 interpretation of the Canada Shipping Act too much
26 by sticking to the letter of the law and not to the
27 spirit and forgetting about the spirit of the law.

28 THE WITNESS: Well, I feel, Mr. Langlois,
29 here again I am arguing with a lawyer, I feel that
30 this section of the Canada Shipping Act is a very



1 explicit section.

2 MR. LANGLOIS: This is the letter of the law
3 but do you mean to say this section of the Canada
4 Shipping Act is merely to provide wages for a group of
5 men? That is what you have been saying so far. I
6 don't agree with you. It is not the spirit of the law.

7 THE WITNESS: I feel this is what was
8 intended in the first place. It was to provide
9 assurance that there would be an efficient body of
10 pilots with the concept that all should contribute to
11 services which is available to all and this is a
12 concept that is quite understandable.

13 MR. JACQUES, Q: The witness refers to
14 section 340 of the Act which I will read. The first
15 sub-paragraph and the third paragraph are as follows:

16 "The fact that the master
17 or owner of a ship is liable to
18 pay pilotage dues upon that ship
19 in pilotage districts wherein,
20 pursuant to this Act, payment
21 of such dues has been made
22 compulsory does not entail an
23 obligation on his part to employ,
24 or to give his ship into the
25 charge of a licensed pilot
26 either in such districts or
27 in any other; acceptance of
28 pilotage services is optional."

29
30 "Nothing in this Part



1 exempts any owner or master
2 of any ship from liability for
3 any loss or damage occasioned
4 by his ship to any person or
5 property, on the ground of
6 such ship being in the charge
7 of a licensed pilot, or of
8 such loss or damage being
9 occasioned by the act or default
10 of a licensed pilot."

11 THE WITNESS: This is the section which I
12 rely on in my opinion, my lord.

13 COMMISSIONER SMITH: Just on the question
14 that has been raised with regard to safety. In the
15 Order-in-Council appointing this Commission, I will
16 just read a few words here.

17 "And to recommend the
18 changes, if any, that should
19 be made in the pilotage system
20 now prevailing having regard to
21 the safety of navigation":

22 "Having regard to the safety
23 of navigation".

24 What do you interpret that word "safety" to mean, if
25 not to piloting of ships?

26 THE WITNESS: Yes, Mr. Smith, but what I am
27 saying is to my interpretation now as the law stands
28 at present.

29 COMMISSIONER SMITH: I thought you were
30 giving ---



1 THE WITNESS: No. This principle has been
2 changed as the Commission is aware on the Great Lakes
3 under Part 6a of the Canada Shipping Act and if the
4 Commission, in its wisdom, should recommend a different
5 attitude in this then different laws would be made,
6 of course.

7 MR. JACQUES, Q: And the basis for
8 compulsory payment is merely to provide adequate funds
9 to maintain a service.

10 A. This, in my opinion, is the case.

11 Q. Now, coming back to United States vessels
12 going up ---

13 THE CHAIRMAN: Before we go on I wish to
14 make a correction. I mentioned that the decision on
15 compulsory pilotage dues was made in 1947. In 1947,
16 that was Captain Slocombe's survey; and then it was
17 followed, in 1949 by P.C. 1618 of April 14, 1949, which
18 made the payment of pilotage dues compulsory.

19 THE WITNESS: Thank you.

20 MR. JACQUES, Q: Therefore, I take it that
21 when this tolerance was granted to U.S. vessels to go
22 up the districts without pilots there was no question
23 of security involved -- no thought of security?

24 A. No.

25 Q. Or sovereignty.

26 A. No.

27 Q. Would our vessels have the same
28 privilege in American waters?

29 A. Going along the American coast, unless
30 they came within a pilotage district; but, my lord, this



1 is, again, a legal question, about the right of passage,
2 which I am not competent to talk on. But certainly
3 we did not feel that there should be any restrictions,
4 and everybody agreed with us on the use of the inside
5 passage to American ships.

6 MR. LANGLOIS: The question by Mr. Jacques
7 was a question of fact, as to whether or not a similar
8 tolerance was given to Canadian ships within the
9 American pilotage districts. This is surely a question
10 of fact. Do you know ---

11 MR. JACQUES, Q: When I said "waters" I
12 obviously meant pilotage waters.

13 A. Yes, there is.

14 Q. Where?

15 A. In the Puget Sound, in the case of the
16 passenger ships.

17 THE CHAIRMAN: Isn't it the case also in
18 the Haro Strait?

19 THE WITNESS: Yes. I will have to have
20 the map in front of me for this.

21 MR. LANGLOIS: May I suggest that the Puget
22 Sound example is a bad one because there is
23 reciprocity there.-- it works both ways there.

24 THE CHAIRMAN: Yes. I don't think you will
25 find it in our neighbouring country situations similar
26 to what they have in Canada, where they go from the
27 United States to the United States ^{through} to Canada. I don't
28 think you could go from Canada to Canada through the
29 United States except maybe in the Haro Strait.

30 MR. LANGLOIS: Yes.



1 MR. JACQUES, Q: When you have the document
2 will you supply us with the document?

3 A. Yes. It will be Exhibit 1159.

4 MR. LANGLOIS: To clarify the record, I am
5 instructed by Captain MacLeesh that there is such a
6 tolerance in favour of Canadian shipping in Alaskan
7 waters.

8 THE WITNESS: The point is that I don't think
9 anybody has expressed any opinion to us that we should
10 chase the American ships who dare to use the inside
11 passage going up to Alaska.

12 THE CHAIRMAN: The only question was whether
13 it was legal or not, as to whether the authority can
14 change what is in the law, or in the regulations.

15 THE WITNESS: This, my lord, comes back to
16 several comments I have made on the stand already, that
17 pilotage does not always fit into these respectable
18 legal patterns.

19 MR. JACQUES: The administrator of pilots
20 is giving us a very bad example of law-abiding qualities.

21 THE CHAIRMAN: Did you say that with a
22 question mark, Mr. Jacques?

23 MR. JACQUES: With my tongue in my cheek.

24 MR. LANGLOIS: It will be in the newspapers
25 tomorrow morning.

26 MR. JACQUES: The newspaper reporter hasn't
27 got his pencil in his hand!

28 That exhibit will comprise documents relating
29 to the tolerance granted to United States vessels
30 going up through the inside passage from the United



1 States to Alaska.

2 The next question relates to an agreement
3 between the California Shipping Company and the
4 pilots.

5 THE WITNESS: Well, the California Shipping
6 Company asked the pilots to go down to California to
7 board ships down there and to proceed on the ships
8 to Canada as passengers until they reached pilotage
9 waters, in order to avoid, presumably, having to go
10 to the pilots' station.

11 This was a service to shipping which was
12 within the province -- within the power -- of the local
13 supervisor to grant; the by-laws say that the pilot
14 must not go outside his district without the permission
15 of the pilotage authority, of the supervisor; and in
16 any case this was not the pilot outside the district;
17 this was merely a service to the shipping company
18 concerned, which they felt was worthwhile in order to
19 avoid going to the boarding station.

20 We saw, and we still see, no reason why this
21 should not be done, provided the doing of it doesn't
22 interfere with the orderly administration and ordinary
23 work of the pilotage district.

24 The questions here are: Was it entered into
25 with D.O.T. approval? Was it made mandatory by D.O.T.?
26 Was it made with the local superintendent's authorization?
27 Well, it was made with the tacit approval of the D.O.T.
28 It was not made mandatory. If the pilots said they
29 didn't want to go down there the Department would
30 certainly not urge them to do so. Conversely, if it



1 were interfering with the work of the district then
2 the local supervisor would say "No, you can't go," which
3 is within his power. But it has happened, or it has
4 turned out, that they are able to do this without
5 interfering with their work, and I see no reason why
6 it shouldn't be continued if it is agreed to by the
7 pilots.

8 MR. JACQUES, Q: Who collects the money
9 payable for this service?

10 A. I understand that now the superintendent
11 has agreed to collect this money on behalf of pilots,
12 but not to put it -- it is segregated.

13 Q. It is not on the same bill?

14 A. I am told that it is on the same bill,
15 but the item covering this extra charge which is made
16 has, in brackets alongside it, "as agreed", indicating
17 that it is not covered in the by-law.

18 COMMISSIONER SMITH: Does this go into the
19 pool?

20 THE WITNESS: Yes, I am told it does go
21 into the pool.

22 MR. JACQUES, Q: It does go into the pool?

23 A. Yes.

24 Q. This leads to question No. 10, on the
25 number of trips made by pilots to California. Would
26 you have any accurate record of that?

27 A. I have accurate records for the last
28 two years.

29 Q. Can we have that, please?

30 THE CHAIRMAN: To California -- do you mean



1 south of Puget Sound?

2 MR. JACQUES: I mean the California trip
3 proper -- to San Diego and Los Angeles.

4 THE WITNESS: I am sorry; I had them this
5 morning but I don't seem to have them now. We do have
6 the figures for the last two years and, if required,
7 we can get the previous year, 1961, through our
8 coding. We have it for 1963 and 1962; and I may say
9 that the numbers were 14 and 13 occasions, respectively.

10 MR. JACQUES: Q: I see.

11 A. I speak from memory; but if it is
12 required for the previous year -- 1961 -- we can get
13 it through our coding in a day or so. But, before that,
14 I am afraid I would have to go to the district and
15 see if any accurate record is kept.

16 THE CHAIRMAN: It would be sufficient, so
17 far as we are concerned, to show the frequency, which
18 is all we need.

19 MR. JACQUES: For 1961, 1962 and 1963. We
20 could provide for that now as Exhibit 1160.

21 Q. Will you tell us what information would
22 be contained in this document? Will it give the
23 date, the times of departure and arrival and the
24 name of the ship? What sort of information would
25 this furnish?

26 A. This would take some time to dig out.
27 All that I had on this document which I was going to
28 file this morning was really the date -- I am sorry,
29 merely the number of occasions on which the pilots had
30 gone down.



1 THE CHAIRMAN: And it has been the experience
2 of the Department that this extra service could be
3 done without interfering with the normal work of the
4 district, meaning that, otherwise, ^{the pilots} would not have
5 been employed; and it did not mean an increase in
6 strength of the pilots?

7 THE WITNESS: This is correct, my lord. It
8 is not exactly correct to say that they would not have
9 been employed if they had not gone down because their
10 turn may have come up earlier; but they are longer
11 away and they don't go on until they come back.

12 THE CHAIRMAN: In other words, no ship was
13 delayed on account of this?

14 THE WITNESS: I am quite sure it is safe
15 enough to say that.

16 MR. JACQUES, Q: But was it necessary
17 to have more pilots? If you have a pilot away one
18 week it is as though your pilot force was decreased
19 by one?

20 A. This is appreciated.

21 THE CHAIRMAN: We have the evidence of Captain
22 Gosse who said that in one instance so far as he was
23 concerned he stayed away for fifteen days.

24 MR. JACQUES: He was unavailable for
25 fifteen days.

26 MR. LANGLOIS: I am instructed that the
27 California Shipping Company is not the only one to have
28 this service extended to them; that there are other
29 companies.

30 THE CHAIRMAN: I understand that.



1 THE WITNESS: We will obtain these figures,
2 my lord.

3 MR. JACQUES: I am instructed that the
4 figure you quoted referred only to Standard Oil
5 tankers, and I am further instructed that pilots did
6 go down to California to pick up cargo ships.

7 We might amend our question to include
8 in those figures all trips made to California to pick
9 up ships, whether they be tankers or cargo ships.

10 THE WITNESS: That may take a little longer,
11 but we will obtain these figures.

12 MR. LANGLOIS: I am told we do not go down
13 to board in California.

14 MR. JACQUES: I think we may as well wait
15 to clarify the situation and perhaps amend our request.

16 THE CHAIRMAN: We will adjourn and we
17 can discuss this later.

18 MR. JACQUES: Yes.

19 THE CHAIRMAN: We will adjourn now until
20 2:30, p.m.

21 ---Luncheon adjournment.

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1 ---Upon resuming at 2:35 p.m.

2 MR. JACQUES, Q: The trips outside of
3 the district -- the witness from the B.C. Pilots will
4 be called to explain exactly how it works. There is
5 another agreement concerning the boarding off outside
6 the district and it will be filed.

7 THE CHAIRMAN: Yes. I am going to ask also
8 Mr. Mackay to explain the working of their monthly
9 meetings -- the pilots' monthly meetings.

10 THE WITNESS: My lord, I was asked for a
11 statement of the number of home trade steamship
12 certificates, masters and mates, issued in the last
13 five years. Here is a statement giving the numbers
14 of masters and mates certificates for home trade
15 steamships unlimited in the last five years.

16 MR. JACQUES, Q: Is that the east coast
17 only?

18 A. The east coast only. This includes
19 Montreal, Rimouski, Quebec, Halifax and St. Johns,
20 Newfoundland.

21 Q. How many would there be last year?

22 A. In 1963 there were 18 masters and 16
23 first mates. It varies back through the years. This
24 was asked for as an exhibit, I believe.

25 MR. JACQUES: Yes, it was.

26 MR. LANGLOIS: This is for Quebec and the
27 Maritime provinces?

28 THE WITNESS: All eastern Canada including
29 Montreal. It does not take in Toronto, I see there, but
30 it does take in Montreal and Quebec.



1 ---EXHIBIT NO. 1161: Statement of home trade
2 steamships unlimited certificates
3 issued to masters and first
4 mates between the years 1959 and
5 1963 both inclusive.

6 THE WITNESS: There was also a question
7 about Pugwash.

8 MR. JACQUES, Q: Oh, yes.

9 A. Pilot H. Vanember, who was mentioned,
10 he had been appointed a pilot in Pugwash in 1938 and
11 retired at the end of the 1957 season.

12 Q. I see. So when he was consulted ---

13 A. He was retired.

14 Q. --- for the nomination of a new pilot
15 he had been retired for some six years?

16 A. I forget when the case was. At any
17 rate he retired at the end of the 1957 season.

18 We also were asked for the copies of the
19 Orders-in-Council for the changing of the Restigouche
20 River District. Here are the copies here now.

21 THE SECRETARY: That was Exhibit 1149, my
22 lord.

23 MR. JACQUES: Of 1957, and there is also
24 P.C. 1959-1440.

25 Q. We have now reached question 5. I
26 believe you said a few words about this?

27 A. I have nothing more to add to that.

28 Q. Now question 6 and question 16 should
29 be read together. The questions concern the carrying
30 of two pilots on northern runs when the trip was
expected to exceed eight hours. There was also



1 mention of a difference between the summer and winter.

2 A. I have not got that. I do have one
3 letter here, my lord, dated February 9th, 1945
4 addressed to the then Director of Marine Services by
5 the Vancouver Chamber of Shipping. It says:

6 "Re Pilotage Northern Runs

7 Further to our letter of
8 January 18th acknowledging yours
9 of January 4th, our executive
10 committee have in the meantime
11 held several meetings at which
12 the matter was given careful
13 consideration. At a final
14 meeting held February 7th it was
15 decided that in order to
16 cooperate as far as possible
17 with the Department's
18 suggestions and in view of the
19 fact that remuneration is
20 presently made to cover return
21 fare of pilots to home port
22 after completion of a pilotage
23 run together with necessary
24 hotel expenses, we agree so
25 long as present conditions
26 prevail to the payment of the
27 steamer fare and hotel expenses
28 of pilots necessarily sent
29 north deadhead to bring in a
30 southbound ship, notwithstanding



1 the fact that Prince Rupert
2 is a recognized pilotage station
3 and therefore pilots should be
4 available there to meet the
5 demands in regard to southbound
6 ships.

7 The following draft of
8 by-law No. 10 would be acceptable
9 to us and we think it meets fully
10 the suggestions made in your letter.

11 By-law No. 10:

12 '(a) Two ~~by~~ pilots shall be
13 employed on any vessel
14 proceeding to a port on
15 the British Columbia coast
16 north of 50 north or coming
17 south from a port on the
18 British Columbia coast
19 north of 50 north in such
20 cases where the voyage
21 requires a tour of duty of
22 a pilot in excess of twelve
23 hours. The remuneration
24 payable when two pilots
25 are employed as above
26 mentioned shall be one and
27 one-half times the single
28 pilotage rate plus the
29 present surcharge of
30 25 per cent plus return



1 steamer fare to home
2 port and necessary hotel
3 expenses of the pilots
4 while awaiting passage
5 to home port;
6 (b) In emergent cases
7 when pilots are not
8 available at northern
9 pilot stations and pilots
10 must be sent north
11 deadhead to bring in a
12 southbound ship the
13 expenses payable in respect
14 of the trip northbound
15 deadhead shall consist of
16 the steamer fare and hotel
17 expenses when necessary.'

18 In regard to the question of
19 travel expenses mentioned in your
20 letter it is considered that when
21 such an emergency arises it should
22 be dealt with by special arrangement
23 between the pilotage authority and
24 the agent of the vessel concerned."

25 It is signed "The Vancouver Chamber of Shipping, H.W.
26 Cameron, Secretary."

27 Q. It was in answer to whose letter?

28 A. It was further to their letter of
29 January 18th acknowledging the Department's letter of
30 January 4th.



1 Q. And you have not got the Department's
2 letter of January 4th?

3 A. We could get this if required.

4 This is an example, my lord, of how all
5 these changes to the by-laws have been made. Whether
6 the Commission wants to know all the details for all
7 these different negotiations --- This is a good
8 example of the result of discussions either between the
9 local supervisor and the Chamber of Shipping and the
10 pilots or perhaps directly from the Department
11 sometimes.

12 Q. Is this the agreement to which Captain
13 Gosse was referring in his evidence, volume 4, page
14 522, when he says this:

15 "We made an agreement at
16 the time that a ship on the
17 northern run, if the voyage was
18 going to be over 12 hours they
19 would have to have two pilots."

20 A. This would be it, yes.

21 Q. It is my understanding that this
22 agreement was further revised in order to bring the
23 number of hours down to eight?

24 A. Yes, sir.

25 Q. In 1961 how did that come about?

26 A. Excuse me -- not 1961. As a result of
27 meetings between the ship owners and pilots during
28 the months of March and April, 1955, an agreement was
29 reached to reduce the number of hours required for
30 two pilots to be employed from twelve hours to eight



1 hours. This was confirmed by P.C. 1955-1441 of
2 September 21st, 1955. I am not saying that that was
3 the only thing in that Order-in-Council. I have not
4 looked at it. But it was included anyhow in that
5 Order-in-Council I have numbered there.

6 Q. I see. To the best of your knowledge
7 were all these changes initiated by the pilots or by
8 the Department?

9 A. Oh, by the pilots. It has always been
10 as a result of requests by the pilots.

11 Q. I see. Was there a question of a
12 difference between the summer months and winter months?

13 A. I have seen nothing on that and I do
14 not remember anything about that. If I could get a
15 lead perhaps I could hunt through the files.

16 THE CHAIRMAN: Yes, there was an agreement
17 at Kitimat. They agreed that during the summer months
18 the ships having a speed of over fifteen and a half
19 knots should have only one pilot. But this would not
20 apply to the winter months because weather conditions
21 would prevent the ship from doing the same voyage in
22 the same time lapse. So it was changed for the summer
23 months and it was to be reviewed after some data
24 would have been gathered concerning the winter months.

25 Apparently this worked only for a few trips
26 and then it reverted to the old system of two pilots
27 even for the eight hours -- or the twelve hours.

28 MR. LANGLOIS: My lord, I have only one
29 slight correction, if I may. It is 13½ not 15.

30 THE CHAIRMAN: Thirteen and a half.



1 MR. JACQUES, Q: This information is
2 contained in Exhibit 129, being a letter addressed by
3 Captain Eddy to Messrs. Saguenay Terminals Limited of
4 June 28th, 1954.

5 A. Well, it strikes a faint chord in my
6 mind now, sir. I have no reason to doubt this; though
7 if you want me to get it out of the files, I could
8 get it.

9 THE CHAIRMAN: We were just wondering why this
10 matter had been dropped -- whether you were concerned
11 with the matter or whether it was only dealt with
12 locally?

13 THE WITNESS: I am told, my lord, there is
14 nothing on our files about this at all, so it may have
15 been just a local arrangement.

16 MR. JACQUES: I might refer to the file number
17 here, which is 8518-5 and 8518-8.

18 THE SECRETARY: The D.O.T. file.

19 MR. JACQUES: Yes, the D.O.T. file.

20 THE CHAIRMAN: Would you show the letter to
21 the witness, please?

22 ---Exhibit 129 handed to witness.

23 THE WITNESS: This would be a Vancouver office
24 file. I notice, my lord, that in this letter it mentions
25 at the bottom copies made for Captain McKillock, Mr.
26 F.L. Parsons and Mr. E.M. Strand. These were not
27 departmental officials. These were Saguenay Terminals
28 employees.

29 This is quite in order, my lord. We would
30 not object to Captain Eddy making an arrangement like



1 this, especially on a trial basis.

2 THE CHAIRMAN: That is right. So you have
3 nothing to add as to what transpired at the time --
4 why it was not followed up or why it was dropped
5 within a year? You do not know anything about it?

6 THE WITNESS: No, sir, I do not know anything
7 about it.

8 MR. JACQUES: I am advised that this trial
9 apparently has not been found satisfactory and that
10 they have reverted to the system outlined in the by-law
11 -- two pilots on board the vessel whether it is
12 summer or winter and regardless of the speed of the
13 vessel.

14 THE CHAIRMAN: Captain Gosse did not touch that
15 in the course of his evidence.

16 THE WITNESS: Of course if this had become
17 a permanent feature I have no doubt it would have been
18 put into the by-law by this time.

19 MR. LANGLOIS: I am told this trial was
20 carried out for about one month and there were about
21 three or four ships involved.

22 MR. JACQUES, Q: I think question 7 has
23 been answered already, Captain?

24 A. Yes.

25 Q. Now if we may pass to question No. 8
26 concerning Puget Sound problems ---

27 A. This again, my lord, is a problem
28 akin to the question of pilots going down to California,
29 only much closer to home. If you remember the
30 geography of the area, ships coming from Puget Sound,



1 from Seattle for instance to Vancouver, do not pass a
2 regular pilot station for the B.C. District. So the
3 pilots were asked to go across to Seattle or the
4 port of Bellingham, wherever it was, to board the
5 ships there and to travel as passengers until they came
6 into B.C. pilotage waters.

7 This was a reciprocal arrangement with the
8 American pilots who in turn continued on that passage
9 to Vancouver and returned to their bases by land --
10 or they came to Vancouver to go back to go in the
11 other direction from Vancouver to Puget Sound ports.
12 In that case they would travel as passengers until
13 the ship reached U.S. waters.

14 This was a convenience to the ship owners,
15 rather than having to go across to the pilot stations
16 at Angeles Point for the American pilots and Broatchie
17 Ledge for the Canadian pilots.

18 THE CHAIRMAN: And a changeover took place
19 between the American and Canadian pilots somewhere in
20 the Haro Straits or the lime kiln.

21 THE WITNESS: What they call the lime kiln,
22 that is right, sir. There was a place on the shore
23 where there was apparently a lime kiln and this was
24 a well known mark. For these services, this going
25 outside the district, there is an additional payment
26 made to cover expenses.

27 THE CHAIRMAN: It would be about the same
28 thing as what happened in the St. Lawrence when they
29 are unable to disembark the pilot and he is brought
30 to England or some other place? It is about the



1 same thing.

2 THE WITNESS: Yes, sir, except that that
3 is outward bound always and in this case our pilots
4 go to a place outside the district in order to join
5 a ship to pilot her when she gets within the district.
6 This is purely a matter of convenience to the shipping
7 people and to the pilots if they want to give services,
8 and this has worked very satisfactorily.

9 MR. JACQUES: We have in evidence that the
10 pilots at some time refused to perform services and they
11 claimed and I quote from Captain Gosse's evidence
12 volume 5, page 634 and 635.

13 "Q. You mentioned this morning
14 that you were penalized
15 for apparently refusing
16 to go down to Puget Sound
17 and board ships there and
18 take over at the changeover
19 point which is pointed out
20 on the chart. Would you
21 explain how you were
22 penalized and why you were
23 penalized? I had
24 difficulty in understanding
25 that.

26 A. Well, we had difficulty in
27 understanding it too but
28 we were penalized by the
29 Minister of Transport.

30 Q. How?



1 A. Because we refused to
2 give the service he said
3 he was going to establish
4 a boarding station within
5 the district and we could
6 get off at this boarding
7 station and then the ship
8 would go itself the rest
9 of the way into the
10 district, and according to
11 law, it is the wrong thing
12 to do because compulsory
13 payment and pilotoage is
14 supposed to be all over
15 the district. He is
16 letting these ships travel
17 through the district
18 without paying pilotage.
19 We lost revenue from it
20 and that is penalizing.
21 When you take a man's
22 earning away from him,
23 you are penalizing him."

24 THE CHAIRMAN: What did happen there was
25 as I gather from the evidence, instead of taking
26 Haro Strait the American pilots were taking the Rossario
27 Straits which is at the 49th parallel and there was no
28 boarding station there so a boarding station was
29 established some five or six miles each side at Sand
30 Heads.



1 THE WITNESS: I think I should explain, my
2 lord, that before that was known in Ottawa about the
3 action of the pilots ---

4 MR. JACQUES, Q: In refusing to go?

5 A. Refusing to go any more down to Puget
6 Sound was taken as a sort of reprisal for the refusal
7 of the shipping people to agree to certain things that
8 the pilots wanted. There was a breakdown in their
9 negotiations and the pilots took this step, I must say,
10 as a form of coercion to try to force the issue.

11 The Department could not really assist the
12 pilots in such a step when there was a pilot station
13 at Sand Heads operated by the Department, by a
14 Departmental boat and there was no reason why this
15 could not be used as a boarding station. It was
16 merely it had not been used as a boarding station for
17 B.C. pilots.

18 THE CHAIRMAN: Only for Fraser River pilots.

19 THE WITNESS: Yes. This was a departmental
20 boat and services were provided by the Department
21 and the Department said that in this case if the
22 pilots were not willing to go outside, then they must
23 be prepared to get off or get on at Sand Heads. Well,
24 there was quite a lot of discussion between the parties
25 concerned on this, my lord, and finally agreement
26 was reached in November 1961 and the pilots returned
27 to their former practice.

28 THE CHAIRMAN: And the station suspended.

29 THE WITNESS: Yes. I must object to the
30 late Captain Gosse's claim this was depriving the pilots



1 of their livelihood because this boarding station at
2 Sand Heads was just about five or six miles inside the
3 international boundary. Similarly the boarding
4 station at Brothie Ledge is several miles inside the
5 international boundary and there is no argument about
6 this, this is a boarding station, so there is no
7 reason why the ships could not go these few miles
8 of open water to the pilot boat at Sand Heads any more
9 than they always did at Brothie Ledge, since we moved
10 to Brothie Ledge.

11 Even when the pilot station was at Brace
12 Rocks, ships came for quite considerable distances
13 within Canadian waters, which were technically within
14 the B.C. pilotage district, before they took on a
15 pilot so this argument in the opinion of the Department
16 rather did not hold water.

17 COMMISSIONER RENWICK: Are the U.S. ships
18 still using ~~Rossario~~ ^{Rossario} Straits to add to the mileage?

19 THE WITNESS: I am not able to answer this
20 question. Perhaps one of the pilots when he gets on
21 the stand can answer that.

22 MR. LANGLOIS: Also there is a bit more to
23 that than the Captain just said. I would like to have
24 a witness on the stand.

25 THE WITNESS: We will be glad to hear any
26 more about it. Anything we do not know, we should know.

27 MR. JACQUES, Q: Is there anything else
28 you would like to add to the Puget Sound problem?

29 A. No, I don't think so. It was a long,
30 long drawn out business and we hope it has been



1 happily settled now.

2 MR. LANGLOIS: Is it not a fact, Captain
3 Slocombe, that this was not merely a question of a
4 reprisal? It was a question of the pilots having
5 asked for additional pilots. They were refused their
6 demand and this is why they had to stop doing that
7 work because they were being overloaded. Is that not
8 a fact?

9 THE WITNESS: I don't think so, Mr. Langlois.
10 This argument a little falls down because the
11 Department in considering or accepting the fact or
12 the claims of the pilots that they were working too
13 hard, licenced a few more pilots, there was great
14 objection on the part of the pilots to this being
15 done without an increase in rates. This is not
16 logical. If they were working too hard it means there
17 are too many jobs. If they have more bodies to do
18 the job they should not expect the same amount of
19 money.

20 MR. LANGLOIS: I am informed that these
21 additional pilots were granted only after the stoppage
22 on the part of the pilots going outside of the district
23 not before.

24 THE WITNESS: This was later where there
25 hadn't been any increase. I am sorry, I didn't quite
26 follow the question.

27 MR. LANGLOIS: I am instructed that these
28 additional pilots were appointed after only the stoppage
29 on the part of the pilots going outside of the district
30 of Puget Sound.



1 MR. JACQUES: If it might help I can refer
2 to volume 6 page 752 which reproduces a letter dated
3 July 27, 1961 from Captain Eddy to Mr. Sankey. This
4 letter refers to communications at Captain Eddy had
5 received from the Chairman of the British Columbia
6 Pilots Committee which he was passing on to Mr. Sankey
7 and this refers to the Puget Sound dispute.

8 THE WITNESS: This may be apropos, my
9 lord. In June 1961 the British Columbia pilots
10 requested an increase of six in the number of pilots
11 together with an upward revision of the tariff. Various
12 meetings were held between the pilots and the Chamber
13 of Shipping on this matter but no agreement was
14 reached between them as yet. The pilots wanted six
15 new men. They also wanted more money. Complaints
16 of overwork continued to be received by the Department
17 from the B.C. Pilots and on August 29th, 1961, the
18 Director of Marine Regulations recommended the
19 licencing of six new pilots with no change in the
20 tariff.

21 A letter to the regional superintendent of
22 pilots of September 29th informed him the decision had
23 been made to add new pilots to the roster. The
24 letter of October 2nd, 1961 to the Pilots Committee
25 informed them that new pilots would be licenced,
26 having in mind the continued complaints of overwork
27 from the British Columbia Pilots.

28 A telegram of October 6th from the Pilots
29 Committee objecting to this. A telegram of October
30 11th to the Pilots Committee pointing out that



1 consultations between the Department and the Pilots
2 Committee had been held at great length as required
3 under the by-laws. I may say I will file copies of
4 these documents I have just mentioned.

5 MR. JACQUES, Q: You are now dealing with
6 question No. 15 which refers to Exhibit 122?

7 A. Yes. That is mentioned there. That
8 is right.

9 MR. LANGLOIS: My lord, this confirms exactly
10 what I have said because the discontinuance of services
11 took place on the 29th July, 1961, according to this
12 letter, which is reproduced at page 752 of volume 6.

13 THE WITNESS: My reference to this, Mr.
14 Langlois, -- I just forget what I said now but my
15 reference to it was just I think it was said that they were
16 curtailed going outside the district because of
17 overwork. I was just referring to this that when
18 their claims of overwork were accepted, they would
19 not accept the additional pilots unless they had more
20 money as well, which implied that the trouble was
21 not overwork but a matter of money.

22 MR. LANGLOIS: It was after the discontinuance
23 of the service.

24 THE WITNESS: Quite possibly.

25 THE CHAIRMAN: What I gathered from the
26 evidence of Captain Gosse is that it was not a question
27 of overwork but he had requested an increase in rates
28 and this rate was agreed upon as far as Puget Sound
29 was concerned but they did not want to return to work
30 there unless other tariff adjustments were made.



1 MR. JACQUES: This is borne out, my lord, by
2 a telegram addressed by Mr. K.C. Bennett, Chairman of
3 the B.C. Pilots Committee to Mr. Alan Cumyn, director
4 of Marine Regulations, October 6th, 1961 which reads
5 as follows:

6 "Pilots extremely annoyed
7 your unilateral decision issue
8 licences, contravening by-law
9 section 4 stop cannot accept
10 additional pilots unless
11 current matters settled
12 satisfactory."

13 COMMISSIONER SMITH: I find, my lord, on
14 page 451 of the transcript Captain Gosse says the
15 pilots had too much work and need seven additional
16 for Vancouver and three for Victoria. He says further
17 there would have to be an increase in the pilotage dues
18 to offset the resulting decrease in pilots earnings.

19 THE CHAIRMAN: Yes, he was quite frank
20 about that.

21 THE WITNESS: This is our understanding, my
22 lord. By-law 4,-- section 4 mentioned in Mr. Bennett's
23 letter was the by-law that said the number of pilots
24 shall be determined by the authority after consultation
25 with the Pilots Committee. I think there must have
26 been a misunderstanding about the meaning of the word
27 "consultation" here because there had been much
28 consultation.

29 Do you want me to file these, Mr. Jacques?

30 MR. JACQUES: We may as well, as Exhibit 1162.



1 THE WITNESS: Apropos of that, here is a
2 copy of a letter from the Chairman of the B.C. Pilots
3 Committee dated 27th July, 1961 where they ceased
4 going outside the district.

5 MR. JACQUES: It will be annexed to Exhibit
6 1162.

7 MR. LANGLOIS: Is that the same letter
8 which is already reproduced in the evidence?

9 THE WITNESS: It might be. I haven't read
10 that letter into the evidence.

11 MR. LANGLOIS: The other one was from
12 Captain Eddy to the Chairman of Shipping.

13 MR. JACQUES: Yes.

14 MR. LANGLOIS: Confirming that he has
15 received this one?

16 MR. JACQUES: Yes.

17 MR. LANGLOIS: Do you mind giving me a
18 description of that exhibit?

19 MR. JACQUES: Exhibit 1162, is a bundle of
20 letters concerning the Puget Sound dispute and
21 increase in the number of pilots, dated 27th July, 1961,
22 20th September, 1961 and October 2nd, 1961.

23 ---EXHIBIT NO. 1162: Bundle of letters concerning the
24 Puget Sound dispute and increase
25 in the number of pilots, dated
26 27th July, 1961, 20th September,
1961 and October 2nd, 1961.

27 MR. JACQUES, Q: To go back again to that
28 point; before the Puget Sound problem had you made any
29 survey or had you requested anyone to make any survey
30 on the work load of pilots to determine whether there



1 was actual overloading?

2 A. This has been rather a bone of
3 contention for some years and when we tried to make a
4 survey we found it quite difficult to get the actual
5 facts.

6 We agreed that the actual time on board
7 ship as shown in the pilotage cards did not reflect
8 the over work of the B.C. Pilots because there was a
9 great deal of travelling, which they got paid for
10 and we wanted to get the exact picture of just how
11 long they travelled and so on. It was a little
12 difficult to get this and up to this point we had
13 not been convinced that the B.C. pilots were being over
14 worked. That is all I can say.

15 Q. To the best of your recollection was
16 the refusal to go down Puget Sound linked with the over-
17 load of pilots?

18 A. Not to our knowledge. It was -- it
19 came to us definitely -- maybe this was wrong but this
20 is how it came to us, as a reprisal for the refusal of
21 the shipping people to agree on the increase of rates
22 requested. Maybe that was a mistake but this is how
23 it was represented to us.

24 THE CHAIRMAN: Any further questions on the
25 matter?

26 MR. JACQUES, Q: Now, question 9, I believe
27 you will give us the same answer as you have for
28 Saint John, New Brunswick. The basis for restricting
29 the type and size of vessels on which pilots with less
30 than five years experience may pilot.



1 A. Yes. I would give the same answer that
2 the power to adjust the work is contained in the by-law
3 which says that a pilot shall perform pilotage duty
4 when and where required by the superintendent.

5 I wish to add here again and stress that
6 this is a matter in which the B.C. pilots showed up
7 in an excellent light. This is one of the things in
8 which they showed their great responsibility in the
9 job because the committee, the Pilots Committee
10 cooperates with the superintendent in this matter
11 they advise him as to the appropriate selection of a
12 pilot for special jobs, for jobs that present any
13 special danger or difficulty.

14 Q. Have you thought of creating grades
15 of licences for B.C.?

16 A. I don't know whether we have thought of
17 it but the need has not been there because of this
18 practice on the part of the Pilots Committee.

19 Q. The self-discipline of the pilots?

20 A. Exactly. We have had no worry in this
21 respect from B.C.

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1 MR. LANGLOIS: My only comment is that this
2 is only one of the occasions when the B.C. pilots
3 showed in a very good light.

4 THE WITNESS: I agree; just one of them.

5 THE CHAIRMAN: Yes; I have been quite impressed
6 at the role played by the Pilots Committee in British
7 Columbia and by the superintendent and everything he
8 does in advising it -- very good cooperation.

9 THE WITNESS: May I suggest that this might
10 be a model for some other districts where there is
11 some internal friction and which makes almost impossible
12 good administration?

13 MR. JACQUES, Q: I believe question 10 has
14 been answered, or that the answer to question 10 will
15 be provided?

16 A. Yes.

17 Q. Question 11: It is alleged that
18 requests made by pilots to D.O.T. were looked at with
19 suspicion, and reference is made to volume 6, pages
20 700, 701 and 702.

21 A. Well, I am afraid that this means
22 that if departmental officials don't immediately say
23 Yes to whatever is asked then the request is being
24 treated with suspicion.

25 I must submit that, although my first
26 impulse, speaking for myself, when a pilot asks for
27 something, is to say "Yes, why not," still we have to
28 justify this by proper questioning and be able to
29 present a reason why such and such a step should be
30 taken.



1 THE CHAIRMAN: You are like the courts,
2 when a court has to exercise discretion the court has
3 to know why, otherwise it is not a discretion which
4 is exercised; it is just a rubber stamp.

5 THE WITNESS: Yes, my lord.

6 MR. JACQUES, Q: Question 12, I think, has
7 been answered already?

8 A. Yes.

9 Q. Question 13 refers to compulsory
10 pilotage, which seems to have existed in British
11 Columbia prior to 1925.

12 THE CHAIRMAN: 1949.

13 MR. JACQUES, Q: And this is closely
14 connected also ---

15 THE CHAIRMAN: Excuse me -- existed in
16 British Columbia?

17 MR. JACQUES: We can get the answer.

18 THE CHAIRMAN: Prior to 1920.

19 THE WITNESS: I have some notes here if you
20 want me to read them.

21 MR. JACQUES, Q: This is also closely
22 connected with question 22.

23 A. I would like to answer that one after-
24 wards, if you don't mind.

25 Q. Very well.

26 A. In 1918 a Royal Commission inquired
27 into pilotage in British Columbia and made various
28 recommendations, including a recommendation concerning
29 the salaries and working conditions of the pilots.
30 The then Department of Marine and Fisheries attempted



1 to implement these recommendations but the action
2 taken was not viewed favourably by the pilots. The
3 Department increased the wage level and the travelling
4 expenses, and a temporary settlement was reached in
5 January 1920, whereby this new rate would be tried
6 out for a period of three months.

7 The payment of pilotage dues was compulsory
8 at this time, under Order-in-Council P.C. 1876 of
9 September 10th, 1919, amended by Order-in-Council
10 P.C. 2525 of December 20th, 1919.

11 At the expiration of the trial period the
12 pilots again requested more money in the form of
13 larger remuneration plus more travelling expenses.
14 These records, according to the files, were considered
15 unreasonable, and the decision was then taken to
16 abolish the District. This was done by Order-in-
17 Council P.C. 898 on April 26th, 1920, effective May
18 6th, 1920.

19 In British Columbia, except for New
20 Westminster, free pilotage, or the non-compulsory
21 payment of pilotage dues, came into effect on May 7th
22 -- well, "free pilotage" would be the correct term.
23 This came into effect on May 7th, 1920, whereby
24 anyone was entitled to offer his services as a
25 pilot.

26 Does that answer the question?

27 THE CHAIRMAN: Yes. I see during this period,
28 apparently, life was rather hard for the local
29 superintendent, because he resigned in March 1920,
30 and the district was abolished a month after.



1 THE WITNESS: I think if I remember rightly
2 this was Mr. Barney Johnson whom we met in Vancouver.

3 MR. JACQUES, Q: But there was no
4 compulsory pilotage in B.C. at any time?

5 A. No; there has never been compulsory
6 pilotage in Canada except since 1960 on the Great
7 Lakes.

8 Q. You said that for a while pilotage was
9 free -- that is, payment was not compulsory, and it
10 was not compulsory to take a pilot. That didn't work,
11 apparently? That was not a satisfactory system?

12 A. You are referring to free pilots --
13 there were not pilots licenced? There was no
14 pilotage organization.

15 Q. But apparently this did not work out,
16 because you obviously reverted to a district.

17 A. In 1929 there was another district
18 made. That would be after ---

19 THE CHAIRMAN: After Mr. Justice Morrisson's
20 Commission?

21 THE WITNESS: Yes.

22 THE CHAIRMAN: It was not compulsory to
23 start with ---

24 THE WITNESS: And then it was made non-
25 compulsory.

26 THE CHAIRMAN: It was made compulsory
27 about six months after.

28 THE WITNESS: I don't think it was made
29 -- until 1949 ---

30 THE CHAIRMAN: Excuse me; you are right.



1 THE WITNESS: And I am afraid I was
2 responsible for it.

3 MR. JACQUES, Q: Compulsory payment?

4 A. Yes.

5 Q. Why did you have to take this step?
6 Why wasn't the other system working?

7 A. I think I explained, Mr. Jacques, that
8 the pilots Committee at the time convinced me that
9 there were American pilots working in their district,
10 taking their work, and it was the only way this could
11 be stopped; and I agreed with them, that they were
12 being hard done by, and I recommended that, since
13 other districts in Canada had compulsory payment,
14 there seemed to be no reason why British Columbia
15 shouldn't have it also, on the proviso that there
16 shouldn't be a toll gate placed across the water.

17 Q. So again compulsory payment was used
18 as a means to control the activities of the district?

19 A. This is so; just to protect the
20 revenue of the pilots; and I repeat that this, under
21 the present law, is the only reason.

22 THE CHAIRMAN: One of the reasons for this,
23 I suppose, is that American pilots were piloting
24 inside the British Columbia district?

25 THE WITNESS: Yes.

26 THE CHAIRMAN: And was there not also a
27 trend to port pilotage also -- that ships would call
28 for a pilot at a port, at the entrance to the harbour?

29 THE WITNESS: This wasn't the case in 1949.

30 THE CHAIRMAN: I see.



1 THE WITNESS: No; this is some time long
2 previous to that.

3 THE CHAIRMAN: During the free enterprise
4 system?

5 THE WITNESS: Yes.

6 MR. JACQUES, Q: Now we may turn to
7 question 14 which concerns future plans for
8 apprenticeship.

9 A. No, we have no thought of setting up an
10 apprenticeship system as such as long as the existing
11 system promises to provide a sufficient staff of
12 pilots. We think that the excellence of the present
13 pilots in British Columbia is prima facie evidence
14 that the system works.

15 Q. I would agree with you, but would the
16 supply of pilots be adequate in a few years' time?

17 A. Unless the B.C. coasting trades
18 should collapse I don't think there is much fear of
19 this, because the coasting trade in British Columbia
20 is very extensive and it doesn't seem likely that
21 the supply of good, efficient men is going to fail
22 for some years to come.

23 MR. LANGLOIS: Are they not recruited from
24 the ocean trade also?

25 THE WITNESS: They must have had experience
26 on the coast, Mr. Langlois.

27 THE CHAIRMAN: Technically they could, but
28 in practice it is almost impossible; and from what
29 I recall from Captain Eddy's evidence, in the last
30 two examinations that were held there were quite a few



1 candidates and quite a few were successful, especially
2 at the last one; the one before the last was not so
3 successful.

4 THE WITNESS: The by-law, my lord, does
5 cover this -- by-law 14. It states "that no person
6 is eligible to be licenced as a pilot unless"---
7 and I can jump several of the points -- "he holds
8 a certificate of competency not lower than that of
9 master of a home trade tugboat and has served in the
10 coastal trade of British Columbia as master for
11 at least three years, or as master for not less than
12 twelve months, and for a period equal to not less
13 than twice the number of months by which 36 months
14 exceeded the number ---" -- this, my lord, is very
15 complicated.

16 THE CHAIRMAN: You need not read it. This
17 was discussed at length in the previous hearing, and
18 it was said that, although in theory it could be
19 possible, in practice it was almost impossible for
20 an ocean master to become a B.C. pilot because he
21 couldn't jump from master on an ocean-going ship
22 to a coastal ship right away like that or would have
23 to go down in the scale, and so therefore before
24 he could get up master or mate he would be over age.

25 THE WITNESS: As I did on the Great Lakes.

26 COMMISSIONER SMITH: In this connection,
27 my lord, I see that Mr. Middleton raised the question
28 of the deep sea masters not being eligible to
29 qualify for the B.C. pilotage district service unless
30 they spent from eight to ten years after they have



1 already acquired their deep sea masters certificate,
2 and he was making a complaint that that didn't seem to
3 be fair or just.

4 THE WITNESS: Well, that may be Mr.
5 Middleton's view, Mr. Smith, but we must concede that
6 with the number of harbours there are on the British
7 Columbia coast with which the pilots must become
8 familiar it is necessary for a man to have experience
9 on the coast before he gets a chance to learn these
10 harbours.

11 On the other hand, in the examination for
12 pilots, if a man has a deep sea masters certificate he
13 clearly has the possession of this superior certificate,
14 although the minimum certificate is master of a
15 tugboat. The reason the minimum is "master of a tug
16 boat" is because possibly the best way of getting to
17 know the coast is by working on the tug boats.

18 THE CHAIRMAN: Yes; Captain Eddy was saying
19 that one of the best ways to qualify a man is as a
20 master of the small coastal tankers -- they had to
21 know every nook and every inlet on this coast.

22 THE WITNESS: Yes.

23 MR. JACQUES, Q: I believe questions 15
24 and 16 have been answered?

25 A. Yes.

26 Q. We now pass to question 17 with respect
27 to aids to navigation.

28 A. I think the answer to it is the same
29 as that with respect to other districts. Whenever the
30 pilots put forward recommendations for improvements in



1 aids these are always passed to the district agent, and
2 as I said, generally they get what they want eventually.

3 THE CHAIRMAN: In the northern section the
4 agent told us there was only one outstanding of the
5 requests received and it was a question of time; that
6 was all.

7 MR. JACQUES, Q: The next question ---

8 COMMISSIONER SMITH: On question 16, I don't
9 know if what I have in mind is related to this item or
10 not, but I have a note here on which I would like to
11 have your comments, captain. This is my own note:

12 "Mr. Bird, representing
13 shipping interests, claimed the
14 pilots agreed, on ships attaining
15 13½ knots an hour, that the
16 Pilot Committee might consider
17 only one instead of two pilots
18 in Cape Beale Inlet."

19 Do you know anything about this?

20 THE CHAIRMAN: 1954.

21 THE WITNESS: Is this because it means that
22 it is only slightly over it -- that it takes them
23 slightly over the eight hours?

24 THE CHAIRMAN: It was twelve at that time.

25 THE WITNESS: Well, it appears to be a dead
26 issue now.

27 COMMISSIONER SMITH: Because it is covered by
28 the reduction in the time?

29 THE WITNESS: Yes.

30 THE CHAIRMAN: And you said before that



1 nothing transpired in Ottawa about those dealings with
2 regard to whether to provide only one pilot on a trial
3 basis from Kitimat?

4 THE WITNESS: I seem to remember something
5 about knowing about it, but we have nothing, so far
6 as I know.

7 THE CHAIRMAN: On this I have one question
8 referring to page 1088, point 3, whether there was
9 any calculation made with respect to the difference
10 of trips in the northern district during the summer
11 months and the winter months?

12 THE WITNESS: We don't know anything about
13 that.

14 MR. JACQUES, Q: We have now reached ---

15 COMMISSIONER SMITH: I don't know if this
16 is in order or not, my lord, but there was some
17 evidence given by Captain Gosse in connection with
18 the navigation of ships into Kitimat -- and of the
19 aids to navigation and the depth of water and other
20 relevant matters. I don't know whether this is the
21 proper item under which to bring this forward or not.

22 MR. JACQUES: We are on aids to navigation.

23 COMMISSIONER SMITH: Right now?

24 MR. JACQUES: Yes.

25 COMMISSIONER SMITH: Well, I will repeat what
26 he said. By the way, before I go into this, my lord,
27 we haven't looked at these items and particularly there
28 is no special reference to Prince Rupert. I know
29 Prince Rupert is part of the B.C. district; but there
30 are some matters related specifically to Prince Rupert



1 that were brought out and that personally I would like
2 to have some observations or opinions on from this
3 witness.

4 THE CHAIRMAN: Yes; I have a question to ask
5 Captain Slocombe: Why the recommendations of the
6 Morrision Commission for a separate district were
7 not given effect to? --

8 MR. JACQUES: Prince Rupert was dealt with
9 as Vancouver, and you can identify the Prince Rupert
10 material in this number of the volume. Volume 9
11 is Prince Rupert.

12 THE CHAIRMAN: Are the questions here?

13 MR. JACQUES: They were included.

14 COMMISSIONER SMITH: So that the door is open?

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1 MR. JACQUES: Oh, yes.

2 COMMISSIONER SMITH: Well, if the door is open
3 I will walk in.

4 Captain, it has been said -- I think Captain
5 Gosse mentioned it twice -- that the pilot boat at
6 Prince Rupert was nothing but a tug and there was the
7 danger that somebody was going to get drowned if they
8 kept on using it. I know it is not provided by the
9 Department, it is a privately owned affair, but the
10 Department contributes to the cost of the ship, to the
11 use of the craft, and would of course be tremendously
12 interested in the safety aspect of it.

13 I am wondering if this has come to the
14 Department's attention and, if so, what action if any
15 was taken about it?

16 THE WITNESS: Yes, Mr. Smith. This was the
17 vessel which we went on board in Prince Rupert -- the
18 Phippen. This is what they call a fish tug, I think.
19 It does go out all the time and it does comply with
20 steamship inspection requirements. We were on board
21 the vessel in Prince Rupert and we can see that it
22 might not be a comfortable vessel. If we could
23 get another one we would be very pleased to get it.
24 In fact we have this in the estimates for this year
25 -- a new pilot boat for Prince Rupert.

26 We have tried to get another one. We have
27 advertised, I think since the Commission was up there.
28 We have advertized for a contractor to take over this
29 work, and there was no response.

30 THE CHAIRMAN: What kind of boat do you have



1 in mind for that?

2 THE WITNESS: Well, a boat that has been
3 discussed with the pilots by the local supervisor.

4 THE CHAIRMAN: About the same type as the
5 ones they had in Saint John with some peculiarities ---

6 CAPTAIN JONES: About 71 foot, something
7 like the boats in Les Escoumains -- a couple of feet
8 longer than those.

9 COMMISSIONER SMITH: The next point I shall
10 quote from the evidence of Captain Gosse. This is
11 about Kitimat. He says that sometimes you have to wait
12 for the tide to go into Kitimat. There is now only
13 24 feet of water at the bar. There used to be 35.
14 The deepest draft ship going to Kitimat is 30, 31
15 feet. The witness said there is not enough water
16 there now for a peak loaded ship at low tide. The
17 rise and fall varies from 16 and 18 feet.

18 Then he goes on. Perhaps I might continue
19 and then you can answer them all in one breath.

20 He said that coming from Vancouver to
21 Kitimat you go first to Triple Island to pick up a
22 pilot 132 miles from Vancouver to McInnes Island and
23 120 miles from McInnes Island to Kitimat. Captain
24 Gosses says they always have two pilots from the Gulf
25 of Georgia ports on the inside passage to Kitimat and
26 proceed to Kitimat mostly with two pilots. That has
27 been covered before.

28 THE CHAIRMAN: While you are on that, do you
29 know anything as to whether some dredging has been
30 done by the Aluminum Company in their approach channel



1 to their dock?

2 THE WITNESS: I have not that information,
3 no, my lord.

4 THE CHAIRMAN: I have a note here to get
5 that from the pilots.

6 THE WITNESS: This kind of thing is dealt
7 with locally. Captain Eddy would be well aware of
8 it no doubt.

9 THE CHAIRMAN: It is a private matter anyway.

10 COMMISSIONER RENWICK: I think it was based
11 largely around that time on the fact that a dredge up
12 there was lost and there were no other dredges available
13 for at least a year.

14 COMMISSIONER SMITH: He goes on to say about
15 routing the ships -- about pilotage routing. The pilots'
16 suggestion was that the company route ships to Triple
17 Island and they, the pilots, would station two or three
18 pilots to handle the ships. Captain Gosse stated at
19 page 167 that the company told the pilots they were
20 not going to deviate their ships 300 miles to go to
21 Triple Island.

22 The evidence of Captain Eddy at page 1081.
23 said that out of the source cards he had examined of
24 a total of 71 ships eight were to Triple Island to
25 Kitimat and seven out. Captain Eddy said also that it
26 would cost each pilot \$125.00 per year contribution
27 if a pilot was stationed at Prince Rupert to pilot
28 ships in there and that would reduce the pilots' earnings
29 by that amount each year.

30 Further more the Aluminum Company claimed at



1 page 1091 that unless a pilot station is established
2 south of Prince Rupert compulsory pilotage or compulsory
3 payment of pilotage dues should not be required unless
4 a pilot is used.

5 I think those are the main things that I have
6 in my notes that referred to the Prince Rupert hearing.
7 Is there anything there ---

8 THE CHAIRMAN: I might just add that we
9 had the return from Prince Rupert Chamber of Commerce
10 to the effect that the number of ships have increased
11 this year. I just wish to add that I have had just
12 a quick look at the figures and have found half of the
13 increase is due to the Harriet Maru calling ten times
14 instead of two. Ten times means four jobs each time.

15 MR. JACQUES: She does not take a pilot and
16 she pays.

17 COMMISSIONER SMITH: I am not sure whether
18 this was covered previously or not, but it was brought
19 out that an intermediate pilotage station somewhere
20 between Cape Beale and Prince Rupert or Victoria and
21 Prince Rupert should be established.

22 THE WITNESS: Mr. Smith, we have an intermediate
23 pilotage station at Cape Beale on the west side of the
24 island. What about on the northeast corner of the
25 island?

26 THE CHAIRMAN: It is a disembarking station.

27 THE WITNESS: We do not supply the service,
28 but pilots do get off at Port McNeill.

29 THE CHAIRMAN: I understand that the pilot
30 boat owner there is very reluctant to go out when the



1 weather is not fair so therefore you are unable to
2 embark a pilot there. So from the evidence we have
3 had it is only used as a disembarking station and if
4 they cannot disembark a pilot there the ship has to
5 deviate from his route or carry the pilot up to Triple
6 Island.

7 THE WITNESS: This is a condition which is
8 inherent in the extent of the B.C. pilotage district.

9 THE CHAIRMAN: That is right. Apparently he
10 is very reluctant to go out when there is some sea.

11 THE WITNESS: Probably quite justifiably, my
12 lord.

13 COMMISSIONER SMITH: Well, those are all the
14 questions I want to raise. If you have any comments on
15 any of them I would like to hear them.

16 THE WITNESS: All I can say, Mr. Smith, is
17 that this question of stationing pilots on Prince
18 Rupert has been under discussion for years and we have
19 assured the Prince Rupert Chamber of Commerce that
20 as soon as the pilotage authority -- that is, Captain
21 Eddy -- and the pilots are satisfied that such a step
22 would be justified there would be pilots stationed
23 there.

24 This is purely a matter of economics. But
25 we did suggest to the Prince Rupert Chamber of Commerce
26 that if they were not happy about the present situation
27 they might suggest for consideration the separating out
28 of Prince Rupert as a local pilotage authority, a
29 local pilotage district. But we urged that they
30 discuss the matter with Captain Eddy and Captain Eddy



1 went to Prince Rupert and discussed it with them. They
2 have not pressed the matter.

3 COMMISSIONER SMITH: I understand -- and I may
4 be wrong in this -- but my recollection was that there
5 was considerable opposition to the establishing of
6 two districts?

7 THE WITNESS: Well, it is the question of
8 whether two districts would be a saving in money in the
9 end, because frequently the pilot has to go down through
10 the inside channel anyhow.

11 THE CHAIRMAN: They were requested what their
12 view was with regard to two districts and they stated
13 they would not view that favourably on account of the
14 administrative expenses that would have to be involved.
15 That was the reason they were against it.

16 THE WITNESS: This is the Chamber of Shipping,
17 my lord?

18 THE CHAIRMAN: That is right.

19 THE WITNESS: I learn that Captain Jones
20 himself went up there. I had forgotten. Captain Jones
21 went up there and talked this over with the Chamber
22 of Commerce in Prince Rupert and showed them the
23 figures, which convinced them this was not a feasible
24 operation.

25 MR. LANGLOIS: It is also a question of
26 economics?

27 THE WITNESS: As I say, Mr. Langlois, this
28 is purely a matter of economics.

29 MR. JACQUES, Q: Question 18 deals with
30 the operating expenses of the station and the boats in



1 B.C. We started talking about boats. Would you
2 continue on that subject, please? When did you take
3 over the operation of the B.C. boats?

4 A. This was done by Order-in-Council of
5 the 25th January, 1951 in the first case where the
6 Order-in-Council P.C. 120-422 provided for the
7 assumption by the Department of the cost of operation,
8 maintenance and replacement of pilot stations, the
9 cost of purchase, charter or hire and replacement of
10 pilot vessels and the reimbursement to the pilotage
11 districts for the cost of maintenance, operation and
12 repair of the pilot vessels. This covered the
13 districts.

14 Q. Reimbursement?

15 A. Reimbursement to a pilotage district
16 of the costs of operation, maintenance and repair.

17 Q. This is a general P.C.; it is not
18 applicable only to British Columbia?

19 A. This applied to Sydney, Saint John,
20 Halifax and British Columbia only.

21 Q. And that section for British Columbia
22 was the taking over of the operation -- the cost of
23 operating the boats?

24 A. And the stations.

25 Q. And the stations.

26 A. This assumed the cost of the operation
27 of the district actually only in the case of the
28 stations, which was a direct payment by the Department.
29 In the case of purchase, charter or hire it would be
30 a direct charge on the Department, but in the case of



1 operation and maintenance, including the crew costs,
2 this was a reimbursement to the local pilotage fund.

3 Q. In British Columbia?

4 A. In British Columbia as well as in
5 Sydney, Saint John and Halifax.

6 Q. But in British Columbia with the pilots
7 operating their boats then as they were in Saint
8 John with the pilot manning the pilot boat?

9 A. Not exactly. It was just smaller
10 vessels and there was a boat man who handled this
11 work for the pilots.

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1 Q. This was paid out of pilotage revenue?

2 A. This was paid out of pilotage revenue.

3 Q. In 1951 it was taken over by the
4 government.

5 A. The government reimbursed the district
6 for this part of the costs and then in 1960 ---

7 COMMISSIONER RENWICK: Reimburses over what
8 retroactive period?

9 THE WITNESS: That was effective as of the
10 date of the Order-in-Council.

11 COMMISSIONER RENWICK: And nothing back and
12 beyond that?

13 THE WITNESS: No. You say when and why
14 the D.O.T. took over ---

15 MR. JACQUES, Q: In 1960.

16 A. The only difference in 1960 was that
17 New Westminster and St. John's, Newfoundland were
18 added. A provision was for the payment of the operating
19 expenses directly by the Department instead of by
20 reimbursement to district after having been paid first
21 by the district.

22 Q. This is when in B.C. the boat crew
23 became employees of the government?

24 A. Correct. It is just the same as in
25 Saint John and Sydney and Halifax.

26 Q. Were the boats in existence today,
27 were they the boats which the Department took over in
28 1960 and 1961?

29 A. Yes.

30 Q. They are still the same boats?



1 A. Yes, they are still the same boats,
2 yes.

3 Q. Those boats had been bought out of
4 pilotage revenue?

5 A. Yes.

6 Q. There was no reimbursement to the
7 pilotage fund for the value of the boats?

8 A. No, sir, because they were not the
9 property of the pilots. They were the property of the
10 district and the property of the Crown.

11 Q. And it was just the same as Saint John?

12 A. Yes.

13 Q. With respect to privately owned boats
14 which are hired by the Department, I understand that
15 there is no contract. It is on a voyage basis, as
16 it were, on a call basis, is that correct?

17 A. You are speaking of Mrs. Riley's boat?

18 THE CHAIRMAN: Yes, Mrs. Riley in Port
19 Alberni.

20 THE WITNESS: And Prince Rupert. As we
21 understand it, it is a contract. This work will be
22 done.

23 THE CHAIRMAN: It will be done at a fixed
24 price.

25 THE WITNESS: At a fixed price and the
26 Department meets half this price.

27 MR. JACQUES, Q: There is no evidence to
28 this effect. The evidence is that there is just an
29 agreement in the air. There is no written contract
30 whereby you can force them to give the services as if



1 you tender a proper price. Would you check on that
2 and see if there is a contract in your file.

3 A. There may not be a written contract
4 in this sense but certainly the owners of these ships
5 wish to get this work and if they do not perform the
6 services, they would not get it.

7 Q. I realize they may wish to get the work.
8 On the other hand there appears to be no contract
9 under which the local pilotage authority can force the
10 boatman to provide the service if he doesn't wish to.

11 A. Possibly not. If he didn't then we
12 would find some other way of getting the services.

13 Q. Is there any thought ---.

14 THE CHAIRMAN: Excuse me. There are three
15 or four such privately owned boats. One at Port Alberni,
16 one at the northern tip of Vancouver Island and one
17 at Kitimat and maybe one somewhere else, I don't
18 know.

19 MR. JACQUES: Prince Rupert.

20 THE CHAIRMAN: We are not considering Prince
21 Rupert. Besides that they have a special arrangement
22 for one trip.

23 THE WITNESS: This is right, sir, yes.

24 MR. JACQUES, Q: In places where there is a
25 boat regularly employed from Prince Rupert, a fairly
26 place, is there any thought of stationing a government
27 boat there?

28 A. Oh yes, if we manage to get this item
29 in the estimates there then we hope to have a boat
30 built for Prince Rupert.



1 THE CHAIRMAN: Are you going to grant the
2 prayer of Mr. Nickerson to the effect there must not
3 be indiscrimination against Prince Rupert in the
4 charge. Mr. Nickerson said there should be no
5 discrimination among ports in British Columbia and
6 Prince Rupert should be on the same footing as Vancouver
7 and Victoria and any other Canadian port.

8 THE WITNESS: I don't know what the charge
9 will be then when the government owns the pilot boat
10 there.

11 MR. JACQUES, Q: To go back to the privately
12 owned boat, have you ascertained what would be the
13 position if a pilot were injured on board that boat?

14 A. This is a legal question I cannot
15 answer now.

16 Q. Would he have recourse against the boat
17 owner and the boat owner may not have sufficient funds
18 to pay the claim.

19 MR. LANGLOIS: Is he insured?

20 THE WITNESS: Well, we take it they are
21 insured for this kind of thing.

22 MR. LANGLOIS: The pilot is covered in an
23 accident, your lordship will recall.

24 THE WITNESS: You asked about why the D.O.T.
25 assumed these boats.

26 MR. JACQUES, Q: Yes.

27 A. Well, this is explained in the
28 recommendation to council which led to the Order-in-
29 Council.

30 Q. It is Order-in-Council P.C. 120-442



1 dated 25 January, 1951 which is Exhibit 1163.

2 THE CHAIRMAN: On this we find the explanation,
3 do we?

4 THE WITNESS: Is the submission to Council
5 attached to that?

6 MR. JACQUES: I don't know.

7 THE WITNESS: I don't think there is any
8 reason why it should not be. It is a very long
9 explanation and the meat of it ---

10 MR. JACQUES, Q: Have you got it with you?

11 A. Yes, I can file it.

12 Q. Good.

13 A. I think we might just state for the
14 record that the meat of it is that the sole remuneration
15 of the pilot is derived from the amount of revenue
16 which remains after all expenses and superannuation
17 pension payments have been made. This was at the
18 time -- and that the revenue fluctuates and that
19 it had been necessary to provide money by vote to
20 assist certain pilotage districts and that
21 representations had been made by associations of ship
22 owners and by the pilots, that in view of the
23 increasing costs of operations the Government of
24 Canada should undertake these expenses and that
25 otherwise it may be necessary to increase pilotage
26 rates, and thereby increase the cost of operating
27 shipping; and it was not considered desirable to
28 burden Canadian shipping with increased pilotage
29 rates at the time when the government was providing
30 assistance to ship owners in other ways; and that the



1 Audette Committee had recommended the assumption by
2 the government of the full cost of acquisition and
3 so on -- this is the meat of the reasons advanced for
4 this measure.

5 THE CHAIRMAN: So we will adjourn now for
6 a few minutes.

7 ---A short recess.

8
9 MR. JACQUES, Q: Now, captain, I think
10 we had dealt with question 19, the quarantine charges
11 and if we may move to question 20 on the definition of
12 the word "scow". This question is asked in view
13 of the evidence given of a very large type of scow
14 trading in and out of Vancouver and if we take the
15 definition of the word "scow" in the by-law, I think
16 it would mean that she would be exempt?

17 A. Yes, my lord, this was brought to
18 my attention by Captain Eddy during one of my visits
19 out there. When we made these by-laws we tried to
20 find a definition of "scow" which would take care of
21 the small sand scows, open scows which are tied alongside
22 a tug boat very often and this seemed at the time to
23 be a good definition; any barge having no living
24 accommodation, but we have found that these much
25 bigger craft also have no living accommodation. When
26 we have barges on the Great Lakes, we have enormous
27 barges on the Great Lakes. They always have living
28 accommodation and are steered. They have crews on
29 board their barges.

30 COMMISSIONER SMITH: Are they self-propelled?



1 THE WITNESS: No, they are not. The word
2 "barge", Mr. Smith, is a vessel which is not self-
3 propelled, in our definition. I may say that on the
4 American side they use the word "barge" for steam
5 barges too. In the Canada Shipping Act I think it is
6 right in the Act -- I am not sure but a barge is a
7 vessel which is not self-propelled.

8 THE CHAIRMAN: Like the IRVING OAK?

9 THE WITNESS: Yes. The great point is that
10 this meant we had to get another definition and this
11 is being taken care of in the revised by-laws. We
12 certainly do not think these vessels should be
13 exempt on the grounds they are "scows". They were
14 not what we had in mind at all.

15 MR. JACQUES: Q: How do you propose to
16 settle the problem?

17 A. By the definition of a vessel. In
18 the present by-laws the definition of vessel is:

19 "A vessel includes every
20 sort of ship in tow or otherwise,
21 except a scow".

22 We are just going to delete "except a scow" and take
23 for granted that one of these true scows, as we believed
24 it, will be exempt in British Columbia anyhow because
25 they are all coasting vessels.

26 This has been discussed with the pilots and
27 with the Pilots Committee and we hope this will take
28 care of it. This is another incident of the
29 difficulty of finding a precise legal word which will
30 take care of every eventuality in pilotage.



1 COMMISSIONER RENWICK: May I ask for my
2 own edification just what is the exemption under the
3 existing definition.

4 MR. JACQUES: Captain Eddy gave evidence on
5 that part in volume 17, page 2042 and I quote the
6 question was:

7 "Q. What about a scow?

8 A. That is a contentious one
9 that has just come up since
10 the New Westminster hearings
11 and a case in point, ten
12 days or two weeks ago
13 before we had trouble
14 on that but the word "scow"
15 now in our by-law means any
16 barge having no living
17 accommodation, which covers
18 quite a scope.
19 I saw an American barge come
20 in two weeks ago. The first
21 time she came in here she had,
22 well, I imagine nearly 200
23 trailer vans on it and 53
24 cars, one helicopter and
25 a used distillery apparatus.
26 Yet it was a scow because
27 she had no living accommodation.
28 She was a scow which carried
29 more cargo than a cargo ship
30 and yet escaped pilotage duties."



~~Jacques~~

1 THE CHAIRMAN: By having an outboard motor.

2 MR. LANGLOIS: I am told, my lord, in Saint
3 John, New Brunswick they have power driven scows.

4 THE WITNESS: If it is power driven, it would
5 not be a barge in our definition. Even with an
6 outboard motor it becomes a steamship under the Canada
7 Shipping Act.

8 MR. JACQUES, Q: Question 21. Any more
9 questions on scows?

10 THE CHAIRMAN: No, thank you.

11 MR. JACQUES, Q: Question 21 which has
12 already been answered and question 22 I am asked to
13 skip this question, my lord. Question 23 refers to
14 a change in the wording of the by-law made by P.C.
15 1961 - 1183 and the change was made from "per mile
16 distance piloted" to "per mile of distance" and would
17 you explain the reasoning for that change?

18 A. Well, this is attached to the question
19 of perhaps Port Mcneil for one instance where a pilot
20 will get off a ship before the place where he would
21 normally get off if boarding facilities were more
22 convenient.

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1 THE CHAIRMAN: A boarding off station?

2 THE WITNESS: Yes; and the thing is that
3 under the wording of the miles of distance piloted it
4 could be claimed that as soon as he gets off the
5 mileage charge should cease; but this was not the
6 intention, and this per mile of distance is the
7 distance to the normal boarding station.

8 MR. JACQUES, Q: It is in line with the
9 compulsory payment principle?

10 A. This is the point. Yes, that is the
11 point. If the ships didn't take a pilot at all they
12 would still have to pay mileage under this wording.

13 THE CHAIRMAN: Although there was no distance
14 pilot?

15 THE WITNESS: That is right.

16 MR. JACQUES, Q: Or it could be the reverse,
17 that in view of the wording of the by-law she wouldn't
18 have to pay the mileage fee.

19 Question 24 refers to telecommunications.
20 We have heard a lot of evidence on the St. Lawrence
21 River about difficulties with telecommunications, and
22 I was wondering if there have been some complaints or
23 any failures or any requests for improvement with
24 respect to the telecommunications on the west coast.

25 A. No complaints against the coast
26 stations on the west coast, so far as I know; and the
27 Victoria and Vancouver stations are linked with our
28 teletype system and it seems to be working very well.

29 Q. Thank you.

30 Question 25: The by-law section 4, concerning



1 the appointment of pilots, was changed, and the words
2 "after consultation with the Pilots Committee" were
3 added.

4 A. This is because they had been
5 inadvertently omitted in the previous by-laws. They
6 should not have been omitted.

7 THE CHAIRMAN: It was to bring it into
8 line with the other by-laws existing in the other
9 districts?

10 THE WITNESS: Yes; but it had been there
11 before and it had been omitted in the previous
12 amendment; and this was an error and it was corrected
13 this way.

14 MR. JACQUES, Q: Question 26: Would you
15 explain the position of the Department with respect
16 to unofficial leave taken by pilots, as explained
17 by Captain Eddy in his evidence, volume 17.

18 A. I think that possibly I have answered
19 this in connection with another district, but if they
20 are able to work between themselves to cover off
21 each other there is no reason for the Department to
22 interfere or object.

23 I may say that if they were on salary this
24 would not be so easy; but as they are paid, as they
25 are sharing the revenue, there is no reason why they
26 shouldn't be able to work among themselves and cover
27 off for each other when desired, provided the local
28 supervisor is satisfied that there is no interruption
29 of the service.

30 THE CHAIRMAN: As there has been in Saint



1 John, New Brunswick, for the summer standby watch?

2 THE WITNESS: Yes, that is another example.

3 MR. JACQUES, Q: Question 27 concerns the
4 Departmental views on the various recommendations and,
5 as agreed, the answer to this question will be
6 postponed until the September hearing.

7 A. Yes, please.

8 Q. When the Deputy Minister, I believe,
9 will be ---

10 A. September, or even the final hearing.

11 MR. LANGLOIS: Would that be in the form of
12 pleadings?

13 MR. JACQUES: I don't know what form the
14 answer of the Department will take.

15 THE WITNESS: I am not able to answer that
16 question, my lord.

17 THE CHAIRMAN: So we will hear later on
18 the way they propose to do it and whether it is
19 agreeable with us or not. This will be satisfactory.

20 MR. LANGLOIS: I hope this would not be
21 in the form of giving government policy, because I
22 think it would interfere with the work of this
23 Commission if it were done in that form.

24 THE CHAIRMAN: It would be, for instance, on
25 the action that had been taken -- we would like to
26 know why they have acted that way on, let us say, the
27 question of the increase of strength in Saint John,
28 New Brunswick and the recommendations that have been
29 under consideration by the Department and had been
30 turned down so that it came back to us. So we would



1 like to know why the government had turned it down in
2 the first place; but otherwise, that is all right.

3 MR. LANGLOIS: Am I to understand this it
4 is going to deal with the recommendations which have
5 already been made the subject of requests to the
6 D.O.T.?

7 MR. JACQUES: The idea of the question was
8 not that. The idea of the question was the submitting
9 of the recommendations contained in all the briefs to
10 the Department and asking the Department their views
11 on their recommendations.

12 If you wish it might be in the form of
13 pleadings; it might be in the same form as, no doubt,
14 the items with respect to the submission of the
15 Shipping Federation. I don't know. They may say "We
16 have no comment," or they may say ---

17 THE CHAIRMAN: It could be pleadings, or
18 it could be like that.

19 MR. JACQUES: It could be pleadings, the
20 same as we might ask you your views as representative
21 of the Guild on the recommendations made by the
22 Shipping Federation, and vice versa.

23 MR. LANGLOIS: Provided, again, these views
24 do not reflect government policy.

25 MR. JACQUES: No .

26 MR. LANGLOIS: --- If the government tells
27 the Commission to follow the decisions that they have
28 made this way or that way.-- There is no use of having
29 a Commission if that is the way it is done.

30 THE CHAIRMAN: They might say why they feel



1 the pilots should have such and so on, and it may be
2 for the Commission to decide later on if that is right
3 or not. We may share their views or not share their
4 views.

5 MR. LANGLOIS: That would be ~~for~~ rebuttal.

6 MR. JACQUES: Yes, definitely.

7 THE CHAIRMAN: Yes.

8 MR. JACQUES: Q: With respect to privately-
9 owned boats -- this is question 28 with which we have
10 dealt -- I should like you to check in your file to
11 see if there is any written agreement with the owners
12 to provide the service and whether there ~~is~~ any
13 agreement with respect to liability in favour of the
14 pilots ---

15 THE CHAIRMAN: There was something that you
16 spoke about this morning. There is, of course, the
17 question about the open sheltered deck, and you told
18 us you were prepared to answer that.

19 THE WITNESS: I am not prepared to do that;
20 I would rather get the thing in proper shape so that
21 we can give a proper description of this matter.

22 THE CHAIRMAN: I see. With respect to my
23 set of questions there was question No. 1, as to a
24 pension scheme, and you told me Captain Jones would
25 answer that; and my next two questions are really
26 history.

27 THE WITNESS: Yes; we can dig that out. And
28 No. 4 is answered?

29 THE CHAIRMAN: Yes; and five is answered and
30 six is answered and also seven; and No. 8 is not



1 answered.

2 THE WITNESS: No, my lord; and I would
3 explain that this was in the general reorganization of
4 the tariff for simplification.

5 THE CHAIRMAN: For the record, I will read
6 the question: Why was the change in computation of
7 pilotage dues effected from net tons to gross tons?

8 THE WITNESS: Because representations had
9 been made by the pilots to the effect that they were
10 losing money because of some specially constructed
11 ships with very low net tonnage compared with the size.
12 It seemed that gross tonnage would be a more appropriate
13 measurement if we are using tonnage at all.

14 THE CHAIRMAN: So this will be completed
15 by the answer to question 10 with respect to the
16 open shelter deck procedure -- the difference between
17 net tonnage and gross tonnage and maximum gross
18 tonnage?

19 THE WITNESS: Actually, the matter of the
20 sheltered deck was not considered in our reorganization
21 of the tariff. It was other factors such as the
22 Giovanni ship which we came across in some other
23 districts where there were side tanks which were not
24 included in the net tonnage -- in Sydney, I am told --
25 that made for ridiculously low net tonnage compared
26 to the size of the ship.

27 This kind of thing was what was in mind
28 when we changed to that criterion of gross tonnage
29 at that time. Later, this practice of changing
30 from shelter deck to shelter deck closed has come into



1 vogue, as you might say.

2 THE CHAIRMAN: I show you here four volumes
3 of Exhibit 98 for two ships -- two German ships -- and
4 I would like you to look at the gross tonnage and the
5 net tonnage shown on the source form and what is shown
6 also on the shipping index, and I would like to have
7 some explanation, if not today, then later.

8 THE WITNESS: I would like a chance to
9 study this, my lord, if you don't mind.

10 THE CHAIRMAN: You may keep these two
11 exhibits, because we have another set.

12 MR. JACQUES, Q: Would you want some time
13 to answer this question?

14 A. Yes.

15 THE CHAIRMAN: We might pass to my question
16 No. 22. With regard to boarding off charges why not
17 foresee such a situation in the by-law so that
18 adequate charge could be included?

19 From what I can see now the boarding off
20 charge that is being made is a personal agreement
21 between the pilot and the master and it is not a
22 legal charge unless it is covered up by what you just
23 said about the distance piloted, or the distance of
24 pilotage -- the amendment that was made in the by-law.

25 THE WITNESS: I am afraid, my lord, I do
26 not quite understand this point. If I could see perhaps
27 the evidence ---

28 THE CHAIRMAN: Page 758. Would you look
29 it up and look after that tomorrow?

30 THE WITNESS: Yes.



1 THE CHAIRMAN: The page is quoted there.

2 Would Captain Jones be ready to answer the
3 first question with regard to the pension scheme?

4 CAPTAIN JONES: I have not looked them up.

5 THE WITNESS: It would be better to look it
6 up, This is a very complicated thing, this pension
7 scheme.

8 THE CHAIRMAN: We have about twenty minutes
9 here. I am wondering whether Mr. MacKay could give
10 us some information during that time and we could
11 adjourn Captain Slocombe until tomorrow.

12 MR. MacKAY: Yes, my lord.

13 ---The witness withdrew.

14 THE CHAIRMAN: While we have a few minutes
15 before the next witness, I would like to say that the
16 Crown Zellerbach brief should be given a specific
17 number. This brief was presented and we received a
18 letter from the Crown Zellerbach Company to the effect
19 that he had no evidence to adduce and he wished the
20 brief to be filed as read only for pleading purposes.
21 Therefore the reservation that I make to this is that
22 any fact that is adduced in this brief that has not
23 been established will not be taken into consideration.
24 So under this reservation we will give it a number.

25 THE SECRETARY: My lord, may I suggest that
26 the number to be given to that brief be 1168A, bearing
27 in mind that the Vancouver Chamber of Shipping brief
28 was filed on February 27th as 168, and that counsel
29 representing Crown Zellerbach had said at the time that
30 the recommendations contained in their own brief were



covered by the recommendations contained in the brief of the Vancouver Chamber of Shipping?

THE CHAIRMAN: For administration it is all right; I have no objection. This is going to mean an amendment to your list?

THE SECRETARY: Yes. In any case, as you appreciate, the index of the exhibits will have to be amended to take care of the 1963 districts.

---EXHIBIT NO. 168A: Brief of Crown Zellerbach of Canada re B.C. Pilotage District.

THE CHAIRMAN: Also as another exhibit we wish to have filed the 1963 financial statement for the district of British Columbia. Would you give a number to that? It is available here.

THE SECRETARY: I suggest, my lord, that it be attached to Exhibit 197.

In this connection may I point out perhaps for the record -- because I believe you already know -- that the index of our exhibits will be amended to show the filing of the annual reports for all the documents covering 1963 and they will be attached where it can be done adequately to the documents pertaining to the year 1962, merely indicating that 1963 records were filed subsequently.

THE CHAIRMAN: And you will send to all concerned an amended page with the list of exhibits?

THE SECRETARY: Yes. Coming back to the annual report of the pilotage district of British Columbia for the year 1963, may I suggest that it be included with exhibits 197, which is the one for 1962?



1 ---Addition to Exhibit 197: Annual report of the
2 pilotage district of
3 British Columbia for the
4 year 1963.

5 JOHN LEWIS DANIEL MacKAY, sworn

6 THE WITNESS: My name is John Lewis Daniel
7 MacKay.

8 THE CHAIRMAN: Your occupation?

9 THE WITNESS: Marine pilot.

10 THE CHAIRMAN: And your address?

11 THE WITNESS: 4630 Fairlawn Drive, North
12 Burnaby, B.C.

13 THE CHAIRMAN: And your age, please?

14 THE WITNESS: Forty-two.

15 THE CHAIRMAN: What is your occupation with
16 regard to the B.C. pilots?

17 THE WITNESS: I am chairman of the B.C.
18 Pilotage Committee.

19 DIRECT EXAMINATION BY MR. JACQUES:

20 Q. Captain, I show you a copy of a letter
21 addressed by the pilots' committee to Captain Eddy
22 dated 6th, November, 1961. Do you have any
23 knowledge of this letter?

24 A. Yes, I do.

25 MR. JACQUES: I should like, my lord, to
26 have this letter marked as Exhibit 1164. I should like
27 to read it first, my lord:

28 "The British Columbia pilots
29 offer to board or disembark from
30 vessels at any port, anchorage,



1 point or place outside of the
2 B.C. pilotage district when
3 this can be done in safety and
4 when the exigencies of the
5 service permit.

6 For this service there
7 will be a detention charge of
8 \$75.00 for each calendar year
9 or part thereof. All ports
10 in Puget Sound and adjacent
11 waters which are serviced by
12 Puget Sound pilots are exempt
13 from paying this charge.

14 The detention charge is
15 calculated from the time a
16 pilot leaves his home base
17 until he commences pilotage
18 duties within his pilotage
19 district and also from the
20 time he ceases pilotage duties
21 at his district limits until
22 he arrives at his home base.

23 Reasonable travel expenses
24 incurred going to or returning
25 from the vessel would be charged
26 to the vessel. When a pilot
27 is engaged in pilotage duties
28 on board or boards or disembarks
29 from a vessel within his district
30 the regular pilotage and detention



1 rates will be assessed.

2 The above offer of service
3 shall become effective as soon
4 as the pilotage authority agrees
5 to assess the \$75.00 detention
6 charge."

7 Would you explain this letter -- how it came
8 about and what the purpose of this agreement was?

9 A. This agreement is a revised agreement
10 that had been entered into between the British Columbia
11 pilots and the Standard Oil Company of California.
12 I do not recall what the previous amount of detention
13 was, but this was an upward revision in the detention
14 charge. The agreement was made between the Standard
15 Oil Company of California and the B.C. pilots, but
16 we offered the same service to anyone else requiring
17 the services of a pilot outside our district.

18 Q. So this was an offer at large?

19 A. Yes.

20 ---EXHIBIT NO. 1164: Letter dated 6th November, 1961
21 from the B.C. Pilotage Committee
22 to Captain Eddy.

23 Q. Are you able to tell us how many times,
24 say during the past three years, ship owners have
25 availed themselves of this offer?

26 A. No, I am not able to give you the
27 exact number of times but I will say that I believe
28 the Standard Oil Company have availed themselves of
29 this service more so than other companies.

30 Q. And apart from the Standard Oil would



1 you give us an example of the services referred to?

2 A. Yes. The most recent one that comes to
3 my mind was a Saguenay vessel leaving Kitimat and due
4 to weather conditions on the west coast it was felt it
5 was more advisable to proceed direct to California
6 rather than to try and attempt to get into Cape Beale
7 or the boarding station of Victoria to discharge the
8 pilots. By going direct to California they came
9 under the \$75.00 detention charge -- \$75.00 per day
10 that is.

11 Q. Have pilots ever thought of the
12 disposition of the law with respect to pilots being
13 taken out of their district due to stress of weather
14 or other causes?

15 A. Yes. This has been brought up amongst
16 the pilots and discussed. We are aware that the Canada
17 Shipping Act provides for such a charge.

18 Q. A proviso?

19 A. Yes.

20 Q. A surcharge?

21 A. Yes. But I might add with respect to
22 that that in this particular case I mentioned the
23 ship could have gone into either the Triple Island
24 boarding station or she could have gone into the
25 boarding station of Victoria. I do not say that it
26 was impossible for her, but we thought it was
27 advisable to proceed to California rather than do so.

28 MR. JACQUES: Does the Commission want
29 further statistics on the number of times ship owners
30 have availed themselves of this service?



1 THE CHAIRMAN: Well, if we need them it will
2 be very easy to ask Captain Eddy. I do not think it is
3 a contentious point and therefore should the
4 Commission need it later on we can ask this question.

5 MR. LANGLOIS: Perhaps the witness could
6 give us an approximation?

7 THE WITNESS: I would say that there may be
8 twenty cases a year where this service is required of
9 the pilots.

10 COMMISSIONER RENWICK: Would that be
11 including Standard Oil?

12 THE WITNESS: Yes, that is including
13 Standard Oil.

14 MR. JACQUES, Q: Another question I have,
15 I will read the whole question. Why should pilots
16 load or why should pilots board ships farther down
17 outside the district, even as far as California? Is
18 this a special feature of the district, being a
19 coastal district instead of a river district or a
20 harbour district.

21 A. Yes, I would say that it is a special
22 feature of the district and also that B.C. pilots are
23 most anxious to give service and we go out of our way
24 to do anything we can to service ships.

25 THE CHAIRMAN: In order to get to a boarding
26 station at Cape Beale do the vessels coming from
27 California have to deviate in order to go there?

28 THE WITNESS: No, my lord. For a vessel
29 proceeding to the northern point of our coast, there
30 is no appreciable deviation required to pick up a



1 pilot at Cape Beale.

2 THE CHAIRMAN: So what would be the advantage
3 of boarding at San Francisco, for instance?

4 THE WITNESS: I would say that the masters
5 of those vessels are not familiar with the area around
6 Cape Beale for coming in to pick up a pilot and I
7 think that they feel it is much more desirable to ---

8 THE CHAIRMAN: Is that because their tankers
9 are not as manageable as another ship?

10 THE WITNESS: This may be very true, my lord,
11 yes.

12 THE CHAIRMAN: So they prefer to have more
13 sea room?

14 THE WITNESS: Yes. This could be very true,
15 yes.

16 MR. JACQUES, Q: Would you say there is
17 perhaps an impossibility of locating a boarding station
18 whenever entry into districts could be effected?

19 A. Would you repeat that again?

20 Q. Would you say that there is maybe also
21 an impossibility to set up a boarding station wherever
22 ships would normally enter the district.

23 A. I do not say that it would be
24 impossible but due to the nature of the British
25 Columbia coast, I say that it is not desirable to set
26 up boarding stations wherever ships enter the district.

27 THE CHAIRMAN: They could enter the district
28 from almost anywhere except, of course, the Gulf of
29 Georgia that has to be entered at both ends but
30 between Queen Charlotte Island and Vancouver Island is



1 as much space as could be entered any place.

2 THE WITNESS: Yes, my lord.

3 MR. JACQUES, Q: There has been filed as
4 Exhibit 89 "Safe fishing and navigation rules", dated
5 1960. These rules set the channels which should be
6 kept open and out of which fishing vessels should
7 remain. In practice is that followed?

8 A. No, sir. When I make that statement,
9 it is not followed by the fishing vessels but the
10 pilots are still following the procedure laid out
11 there.

12 Q. But the fishing vessels are not?

13 A. Are not, that is correct.

14 Q. Have you complained?

15 A. Yes, we have made complaints to our
16 Aids to Navigation Committee on this matter but it
17 seems that without a policing system that this is most
18 difficult to enforce.

19 Q. What is the Puget Sound situation ---

20 THE CHAIRMAN: Excuse me, before you go on
21 to that. I think I have a few questions and I think
22 I would like to ask them before you go any further.
23 With regard to Kitimat, would you tell us to your
24 knowledge if there was any dredging done lately?

25 THE WITNESS: Yes, my lord. Dredging was
26 carried out in the approach channel to the Kitimat
27 dock in late 1963 and we are now advised that we
28 have 32 feet in the approach channel.

29 THE CHAIRMAN: So there will be no waiting
30 for tide any more?



1 THE WITNESS: No, sir.

2 THE CHAIRMAN: Now, while reading the
3 evidence I came upon the minutes of pilots' meeting.

4 THE WITNESS: Yes, my lord.

5 THE CHAIRMAN: This was not fully
6 explained in the evidence and I was quite impressed
7 and would like you to explain the way it was done?
8 From the minutes we found that pilots are meeting in
9 Vancouver and sometimes in Victoria but at Vancouver
10 about ten times a year, so would you explain how these
11 meeting are called?

12 THE WITNESS: Yes, my lord. The pilots try
13 to have a general meeting on the average of once a
14 month and prior to forming a corporation these meetings
15 were held regularly in Vancouver and on occasion in
16 Victoria. After forming a corporation, we hold a
17 meeting in Vancouver at the same interval of approximately
18 once a month.

19 THE CHAIRMAN: A general meeting?

20 THE WITNESS: A general meeting, yes, and
21 the following day we go to Victoria for the continuation
22 of that general meeting. Would you like me to ---

23 THE CHAIRMAN: Who attends the meetings?

24 THE WITNESS: A notice is sent out to all
25 the pilots of that general meeting usually a week in
26 advance of the meeting and all pilots that are free,
27 that are not working, will normally attend the
28 meeting.

29 THE CHAIRMAN: I have seen from the exhibits
30 that the attendance would vary from 20 to about 40.



1 THE WITNESS: I would say that 40 would be
2 an extreme number, my lord. I don't recall.

3 THE CHAIRMAN: I counted 39.

4 THE WITNESS: Is that right? I cannot
5 recall ever having attended a meeting with so many
6 pilots available.

7 THE CHAIRMAN: Normally it is 20 to 30?

8 THE WITNESS: Yes, my lord.

9 THE CHAIRMAN: What matters are discussed
10 at these meetings?

11 THE WITNESS: The membership are brought up
12 to date on the correspondence that has been received
13 and written since the last general meeting. They are
14 also advised of any matters that the Pilots' Committee
15 have attended during the time that has elapsed since
16 the last meeting. They are also given a report from
17 the Aids to Navigation Committee and any other committee
18 that may have been formed. They are asked to bring
19 up any new business concerning pilotage in general.

20 I think that fairly well sums up what takes
21 place at these meetings.

22 THE CHAIRMAN: What about the superintendent?
23 Does he attend?

24 THE WITNESS: No. This is strictly a
25 meeting for the pilots but on every occasion after
26 the general meeting the pilots' committee meets with
27 the superintendent to discuss any matter that has
28 arisen as a result of the meeting.

29 THE CHAIRMAN: I have seen there is a question
30 of ballots very often talked about. Would you explain



1 what is a ballot?

2 THE WITNESS: If there is a question comes up,
3 a motion is made that a poll be taken on this question,
4 then a ballot is sent out to all pilots so they may
5 have a voice in this particular question.

6 THE CHAIRMAN: Then when the ballots are in,
7 what happens?

8 THE WITNESS: At the next general meeting
9 the ballots will be counted by a committee appointed
10 for that purpose and the result of the ballot is
11 announced at the meeting.

12 THE CHAIRMAN: And in order to carry a
13 resolution, what majority do you require?

14 THE WITNESS: This is generally stated in
15 the motion and on most of the motions we require a
16 two-thirds majority to have it passed.

17 THE CHAIRMAN: Is there any reason why you
18 ask for two-thirds and not 51 per cent?

19 THE WITNESS: This has come about as a result
20 of discussions over the years and it has been decided
21 by the pilots that in a lot of cases a 51 per cent
22 majority is not conclusive enough.

23 THE CHAIRMAN: It is because it was too
24 contentious.

25 THE WITNESS: Yes, my lord.

26 THE CHAIRMAN: So you needed a clear majority?

27 THE WITNESS: Yes, my lord.

28 THE CHAIRMAN: So, I think we will adjourn now
29 until tomorrow morning at 10:00 o'clock.

30 ---Adjourned at 5:00 p.m.

BINDING SECT.

MAY 2 1972

